

COSTA MESA SANITARY DISTRICT

**EMPLOYEE HANDBOOK
2012**

Revised April, 2012

COSTA MESA SANITARY DISTRICT

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RULE 1 – GENERAL PROVISIONS

Section 1.1: AUTHORITY. The following rules, policies, and procedures are promulgated under the authority of Title 1 of the Operations Code of the Costa Mesa Sanitary District (“District”). This Employee Handbook shall be adopted and amended by resolution of the Board of Directors.

Section 1.2: PURPOSE. The purpose of this Employee Handbook is to establish a system of personnel administration based on merit principles. These merit principles include:

- A. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment.
- B. Providing equitable and adequate compensation.
- C. Training employees as needed, to assure high quality performance.
- D. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance cannot be corrected.
- E. Assuring impartial treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, religion, color, sex, age, marital status, sexual orientation, national origin, or handicap and with proper regard for their privacy and constitutional rights as citizens.

Section 1.3: APPLICATION. The provisions of these rules, policies and procedures shall apply to all offices, positions and employments in the services of the District.

Section 1.4: SCOPE. This chapter is a compilation of rules, policies and procedures which govern and affect personnel administration for all employees of the District, pursuant to the purposes outlined in Section 1.2 herein, unless specified otherwise. The rules, policies, and procedures incorporated herein shall not preclude the development of internal rules, policies and operating procedures within the organization nor the development of personnel or administrative policies and procedures governing the implementation of these rules, policies, and procedures.

Section 1.5: SEVERABILITY. If any provision of these rules, policies, and procedures or the application of such provision to any person or circumstance shall be held invalid, the remainder of the rules, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 1.6: APPOINTING AUTHORITY. As used in these Rules, the Appointing Authority shall be the General Manager or his/her designee(s).

Section 1.7: DRESS CODE.

A. General Policy

The Costa Mesa Sanitary District requires employees to always appear for work in attire that is “professional” and suitable for the work setting. This may vary slightly from one area to another depending on the nature of the work, exposure to the general public, customers, and the environment. Our appearance should always reflect what is appropriate for our job, work setting, and personal safety.

This policy is intended to describe guidelines on what is considered appropriate dress for the workplace. These guidelines are not intended to be all-inclusive, but rather should help set the general parameters for appropriate attire, and allow employees to use good judgment and common sense about items not specifically addressed. However, the General Manager will have the discretion to make the final determination on what constitutes professional and suitable dress for the work setting in a particular situation.

B. Personal Hygiene, Piercings and Tattoos

Personal appearance and hygiene play an important role in projecting a professional image in the community and to the customers we serve.

- Good personal hygiene is required.
- Clothing must be clean, pressed, in good condition and fit appropriately.
- Footwear must be appropriate for the work environment and functions being performed.
- Jewelry is acceptable except in areas or near equipment where it constitutes a health or safety hazard.
- Hair must be neat, clean and well groomed. If necessary for the functions being performed, long hair must be secured (tied back to prevent potential for being caught in equipment). (No artificial hair colors e.g. pink, green, etc. that would be deemed unprofessional).
- Sideburns, mustaches and beards must be maintained in a neat and well-groomed fashion.
- Clothing must not interfere with the safe operation of equipment.
- No objects, articles, jewelry or ornamentation of any kind shall be attached to or through the skin if visible on any body part including the tongue or any part of the mouth except that an employee may wear one or two sets of reasonably-sized earrings in the ear lobes.
- Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer.
- Tattoos that are obscene, sexually explicit, discriminatory as to sex, race, religion or national origin, extremist, gang-related, and/or diminish the effectiveness of the employee’s professionalism must be covered, and not visible to staff, customers or visitors.
- No tattoos are allowed anywhere on the head, face, or neck.
- Any non-conforming tattoos must be covered with clothing or a bandage while at work or removed.

- If an employee has a question about how the piercing or tattoo policy applies to them, the matter should be immediately raised with their supervisor for consideration and determination.

C. Professional Business Office Attire

The intent of professional business attire is to ensure that personnel are dressed appropriately to meet with the public at a moment's notice. While jackets are not required for women, they do have the effect of creating a professional appearance. For men, they do not need to be worn the entire day but should be available to wear to meetings outside of District offices. Footwear should be selected according to the type of work performed, keeping safety, comfort, and professional appearance in mind. Athletic shoes, tennis shoes, and hats are not permitted.

- Sample professional business attire for men include:
 - a business suit with tie
 - dress pants
 - collared button down dress shirt without a tie
 - polo-type shirt
 - dress shirt worn with a tie
 - Appropriate footwear for men includes wing tips, loafers, or rubber sole shoes with socks
- Sample professional business attire for women include:
 - dresses or suits with either skirts or slacks
 - skirt or dress slacks
 - dressy blouse and/or sweater
 - Appropriate footwear for women includes heels, loafers, or rubber sole shoes

D. Field Staff Attire

Employees whose primary District responsibility is in the field, or whose regular job duties include physical lifting may wear appropriate casual clothing (including jeans) at all times. District purchased shirts must be worn at all times while on duty. Additionally, all personal safety equipment must be worn at all times, including steel toed boots and reflective vests. Hats that are not obscene, sexually explicit, discriminatory as to sex, race, religion or national origin, extremist, gang-related or that diminish the effectiveness of the employee's professionalism may be worn to protect employees from sun exposure.

E. Casual Friday

The District recognizes the growing popularity of casual business dress and the positive effects of this shift to boost employee morale, improve quality, encourage more open communication and increased productivity, therefore, creating a more comfortable work environment. Therefore, the District employs a "Casual Friday" policy, wherein our

employees are welcome to wear workplace appropriate jeans (no rips, tears or stains), and running shoes (no rips, tears or stains).

While Casual Friday allows our employees to dress in a more casual fashion, employees should take into account the necessity to continually conduct themselves in a professional fashion, and dress in such a way that will not create a negative perception by customers, either internal or external.

RULE 2 – DEFINITION OF TERMS

Section 2.1: TERMS. Terms used in these rules are defined as follows:

ALLOCATION means the assignment of an individual position an appropriate classification on the basis of the type, difficulty and responsibility of the work performed in the position. As used in this Employee Handbook, employees are appointed to positions, and positions are allocated to classes.

ANNIVERSARY DATE means the date recurring yearly upon an employee's regular appointment or date of hire.

APPOINTING AUTHORITY means the General Manager is the appointing authority.

APPOINTMENT means the employment of a person in a position. Types of appointment include:

Original Appointment means the person's first appointment as a District employee.

Provisional Appointment means the employment of a person to a vacant position for no more than a six month period for emergency or in interim conditions. The General Manager may extend a provisional appointment for up to an additional six month period.

Probationary Appointment means the probationary employment of a person in a regular position. A probationary appointment is for a specified period during which job performance is evaluated as the basis for consideration for regular appointment.

Regular Appointment means the employment of a person in a regular position, following the successful completion of a probationary period.

Promotional Appointment means the probationary employment of an employee in a regular position following a promotion.

Temporary Appointment means an employee hired into a position of limited duration or for completion of a specific task or project without following the rules regarding recruitment and selection. Temporary employees serve at the pleasure of the appointing authority and may be removed at any time without cause, notice or any right

of appeal. Temporary employees are not eligible for benefits other than those required by state or federal law.

CERTIFICATION means the process whereby the Personnel Manager identifies for an Appointing Authority eligible individuals who have successfully completed all qualifying requirements for appointment and appear on an employment list.

CLASS means a group of positions sufficiently similar in duties, responsibilities, authority and qualifications for employment to permit combining them under a single title and equitable application of common standards of selection and compensation.

CLASSIFICATION PLAN means the designation of a title for each class together with the specification for each class as prepared and maintained by the Personnel Manager.

CLASS SPECIFICATION means a written description of a class setting forth factors and conditions which are essential characteristics of positions in that class.

CONTINUOUS SERVICE means the employment without break or interruption of an employee having a probationary or regular appointment.

DATE OF HIRE means the date of an employee's original appointment to the District.

DISCHARGE means the involuntary separation of an employee from the service of the District.

ELIGIBLE APPLICANT means a person whose name is on an employment list.

EMPLOYEE means a person occupying a position. Types of employee include:

At Will Employee means an employee serving at the pleasure of the appointing authority who can be separated from employment for no cause.

Provisional Employee means an employee who has a provisional appointment to a vacant position pending the selection process as provided in Rule 5 for no more than a six month period or, upon specific action by the General Manager, up to a second six month period for a total provisional appointment of 12 months.

Temporary Employee means an employee in a position of limited duration.

Probationary Employee means an employee who has a probationary appointment.

Regular Employee means an employee who has successfully completed the probation period.

Part-Time Employee means an employee who works less than full-time on a daily, weekly, monthly or annual basis.

Full-Time Employee means an employee who works on a full-time basis on a daily, weekly, monthly or annual basis, as defined by organizational working schedules.

Exempt Employee means an employee who is paid on a salary basis and is not subject to the requirements of the Fair Labor Standards Act.

Non Exempt Employee means an employee who is paid on an hourly basis and is subject to all Fair Labor Standards Act.

OPEN EMPLOYMENT LIST means a list of names of persons who have taken an open competitive examination for a class and have qualified.

EXAMINATION means any device or procedure used in the selection process to measure applicant abilities and suitability for a position including, but not limited to, oral interviews, written tests, performance tests, evaluation of performance during probation, and an evaluation of education and experience. The types of examination processes include the following:

Open Competitive Examination means an examination for a particular class which is open to all persons meeting the minimum qualifications for the class.

HOURLY RATE means the amount paid to an employee for each hour worked. The hourly rate may be any amount within a specific hourly wage range.

IMMEDIATE FAMILY means for the purposes of this Employee Handbook, an employee's father, mother, wife, husband, brother, sister, daughter, son, grandparents, grandchildren, brothers and sisters having one parent in common, and those relationships generally called "step," providing persons in such relationships have lived or have been raised in the family home and have continued an active family relationship.

LAYOFF means the abolishment of a position or positions due to reorganization, reassignment, lack of work to be accomplished, or lack of funds.

LEAVE means authorized or unauthorized absence from an employee's place of work.

OVERTIME means time worked in excess of 40 hours in one workweek.

PERSONNEL ACTION means any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, discipline, commendations or any other action affecting the status of employment.

PERSONNEL MANAGER means the position so designated by the General Manager within the District's classification system.

POSITION means a combination of current duties and responsibilities requiring the full-time, part-time or temporary services of an employee.

PROBATIONARY PERIOD means a trial period during which an employee is required to demonstrate his/her fitness for the actual performance of the assigned duties of the position.

PROMOTION means the advancement of an employee from a position in one class to a position in another class having a higher maximum rate of pay.

REASSIGNMENT means the change of an employee from one class to another class which is not due to a significant change in kind, difficulty or responsibility of the work performed in the position.

RECLASSIFICATION means a change in the classification level of an individual position by raising the level to a higher class, reducing it to a lower class, or by moving it to another class at the same level on the basis of significant changes in kind, difficulty or responsibility of the work performed in the position.

REDUCTION IN PAY means a salary decrease within the limits of the pay range established for a class.

REGULAR POSITION means a full-time or part-time position authorized and funded in the District's budget.

RETIREMENT SERVICE means the voluntary separation of a regular employee from a regular position after becoming eligible for and applying to the Public Employees Retirement System for retirement benefits.

RETIREMENT DISABILITY means the separation of an employee due to physical or mental inability to perform the duties of the position after an employee has become eligible for benefits under the Public Employees Retirement System.

SALARY RANGE means the minimum, maximum and intermediate salary rates, or hourly wage rates which may be paid to an employee within a class.

SEPARATION means the termination of an employee's employment with the District because of retirement, resignation, death or dismissal.

SUPERVISOR means an employee with the responsibility of organizing, directing and evaluating the work of other employees.

SUSPENSION means the temporary and involuntary separation for a specified period of time of an employee from a position for disciplinary purposes.

TIME CARD means the document accounting an employee's actual work and leave hours in a payroll or work period.

TRANSFER means a change of an employee from one position to another position in the same class or in a comparable class.

VACANCY means an unoccupied regular position of non-limited duration for which funds have been authorized by the Board of Directors.

RULE 3 – POSITION CLASSIFICATION

Section 3.1: PURPOSE. The purpose of the classification plan is to provide a complete and continuous inventory of all classifications, to provide accurate job specifications and, to ensure that each position is allocated to the appropriate classification.

Section 3.2: CLASSIFICATION OF POSITIONS. All positions in the District are grouped into classes. Each class includes those positions sufficiently similar in duties and responsibilities to require similar education, experience, knowledge, skills, abilities, and personal characteristics.

Section 3.3: PREPARATIONS AND CONTENT OF CLASS SPECIFICATIONS. The Personnel Manager is responsible for preparing and maintaining class specifications for all positions. The specifications include, but are not limited to a list of examples of duties and a statement of qualifications required for appointment.

Section 3.4: INTERPRETATION OF CLASS SPECIFICATIONS. All class specifications describe typical duties that employees occupying positions in the class may properly be required to perform. Class specifications are explanatory but not restrictive. The listing of particular tasks does not preclude the assignment of other tasks of related kind or character, or requiring lesser skills.

Section 3.5: AMENDMENT. Notice of consideration of the proposed classification plan amendments or revisions shall be provided to appropriate employees at least five calendar days before change. The General Manager may amend or revise the classification plan as necessary.

Section 3.6: ALLOCATION OF POSITIONS. The General Manager will assign each position to one of the classes established by the classification plan.

Section 3.7: NEW POSITIONS. When a new position is created, the classification plan shall be amended to include a class specification for the position if it is not allocated to an existing classification. The new position will be filled in accordance with Section 5.7.

Section 3.8: RECLASSIFICATION. When the duties of the position have changed materially, the Personnel Manager may recommend to the General Manager the allocation of the position to a more appropriate class.

RULE 4 – COMPENSATION & BENEFITS

Section 4.1: PURPOSE. The purpose of the compensation plan is to provide equitable and adequate compensation for all employees. Employees at the District are paid pursuant to a pay system established by this Employee Handbook and pursuant to principles of public accountability.

Section 4.2: PREPARATION OF PLAN. The Board of Directors may periodically modify the District's compensation plan. The compensation plan includes, for each class, a minimum and maximum salary or hourly rate and such intermediate rates as are considered necessary, as well as supplemental, retirement, insurance and related fringe benefit provisions. The rate or pay range assigned to each class shall fairly reflect the differences in the duties and responsibilities among classes, and will take into account rates paid by other public employers for comparable work, the District's policies and financial condition, unusual problems of recruitment and turnover, and other relevant factors.

Section 4.3: ADMINISTRATION OF PLAN.

Section 4.3.1: Rates of Pay. Each employee is paid a rate of pay within the salary range for the class in which he/she is employed.

Section 4.3.2: Entrance Salary. An employee is appointed at the minimum rate for the class, except when the General Manager approves an appointment or reinstatement above the minimum rate. Authorization for appointment above the entrance rate must be obtained from the General Manager. In reviewing such requests, consideration will be given to the candidate's unusually high qualifications, salary history, outstanding experience, availability of other qualified candidates and the resulting salary relationships with similar positions.

Section 4.3.3: Merit Salary Adjustments. Employees may receive merit salary adjustments within the salary range applicable to their class. The purpose of the merit salary increase is to recognize individual employee performance.

Section 4.3.4: Movement To A Higher Classification. When an employee is promoted or reassigned to a class having a higher salary range, the employee shall be paid at the entrance step of the assigned range. If the entrance step is the same or lower than the employee's current salary, the employee shall be paid at an intermediate rate within the range to be determined by the General Manager that will result in at least a 5% pay increase. Employees promoted to a higher classification shall change their anniversary date to coincide with the effective date of promotion.

Section 4.3.5: Movement To A Lower Classification. When an employee is reassigned to a class having a lower salary range, the employee shall be placed in the step of the lower salary range nearest to the employee's rate of pay. When an employee's position is reclassified to a class having a lower salary range, the employee shall retain the same rate of pay until such time that the assigned class has a maximum

salary rate. Employees reassigned or reclassified to a lower position shall have no change made in their anniversary date.

Section 4.3.6: Transfer. When an employee is transferred from one position to another, or from one classification to another classification having the same salary range, the employee's pay and anniversary date shall remain unchanged.

Section 4.3.7: Part-Time And Temporary Employees. Whenever an employee works for a period less than the regular number of hours in a day, days in a week, weeks in a month, or months in a year, the amount paid shall be on an hourly basis unless otherwise provided for in the Compensation Plan.

A. Permanent Part-time employees are those employees that have a regular part-time budgeted position at less than a full-time employee position, Permanent Part-time employees receive no benefits other than District paid employee and employer share of the California Public Employees Retirement System (CalPERS). No benefits includes no sick, vacation or holiday pay.

B. Part-time employees are those employees that have a regular part-time budgeted position. However, budget funds are allocated and approved in the budget allowing these part-time employees to be scheduled to work no more than an average 40 hours or less per pay period on an on-going basis. Part-time employees receive no benefits and are enrolled in Social Security. Part-time employees shall be enrolled in CalPERS after initially reaching 1,000 hours in a fiscal year. Part-time employees shall pay the employee's share of PERS themselves.

C. Employees hired on a permanent part-time basis shall be classified as part-time and specified as such on the Personnel Action Form.

D. Employees designated as part-time employees shall be responsible for the employee contribution to PERS upon eligibility. The District will contribute the "employer rate" as determined by PERS.

E. Upon enrollment in PERS, part-time employees are eligible to select medical benefits through the PERS medical program. Part-time employees are responsible for paying the health premiums.

F. Part-time employees will not be simultaneously employed through the District payroll system and a professional services contract. Though part-time employees may be paid at different rates based on daily assignments, they must be in only one position in the payroll system.

G. The total part-time employees hours will be reviewed in the annual budget and require General Manager approval. The Personnel Manager shall monitor approved hours during each pay period through payroll reports.

H. The District Accounting Manager shall notify the Personnel Manager and General Manager when a part-time employee is projected to work past 1,000 hours in a

fiscal year, prior to being enrolled in PERS. Failure to obtain General Manager approval will result in the initiation of separation paperwork for the part-time employee.

I. Employee Status: Permanent Part-time and part-time employees serve “at the will” of the District and have no vested right to employment.

Section 4.3.8: Acting Pay. Acting for an uninterrupted period in a higher classification or rank will be compensated at the rate of pay for that higher classification or rank according to the provisions of appropriate salary and benefits plan.

Section 4.3.9: Provisional Employees. Provisional employees shall be paid salary pursuant to their position's classification as outlined in the compensation plan. Provisional employees shall receive benefits as determined by the General Manager.

Section 4.4. STANDBY POLICY.

A. PURPOSE.

The purpose of this policy is to establish administrative and procedural guidelines and ensure compliance with the Fair Labor Standards Act (FLSA) regulations regarding the compensation of classified (non-exempt) employees who are required to perform duties during non-scheduled, non regular hours. This policy applies to all classified employees who are required to be on standby and are called out to work in order to respond to emergencies during non-regular work hours.

B. POLICY.

The District will compensate employees who are required by the District to be on standby or respond to a call for service, which is received after normal working hours within a required response time.

C. DEFINITIONS.

1. FLSA Requirements – According to the FLSA, employees who “...are not required to remain on their employer’s premises, but are merely required to leave word at their home or with company officials where they may be reached, are not working ...” However, if employees are restricted and are effectively “engaged to wait” then compensation is required. Based on FLSA regulations, “...the requirement that an employee not report to work while under the influence of alcohol is a common requirement that does not trigger FLSA overtime.”

2. Standby Duty – Classified employees who are responsible for responding to emergency locations that occur after regular normal working hours from Friday to Monday shall be considered on standby duty if memorialized in a writing or e-mail signed by the General Manager.

D. PROCEDURE.

1. Scheduling

a. Special assignment (as determined by the employee supervisor or the General Manager) may be given to classified employees in order to make them available for work during non-regularly scheduled hours.

b. Standby personnel may trade scheduled standby time with other employees only with prior approval of their supervisor or the General Manager.

2. Responsibilities

a. Standby personnel shall wear a cellular phone for District communication purposes during the entire standby period.

b. While on standby duty, personnel shall immediately answer his/her cellular phone and respond if necessary.

c. If standby personnel are required to respond to an incident the employee shall notify his/her supervisor of their arrival at the location.

d. Standby personnel must not be under the influence of alcohol and/or be on prescription and/or over the counter medication that would impair his/her ability to perform call out duties. If the employee is taking prescription medication(s), he/she will provide a doctor's note to his/her supervisor that releases the employee to work while taking the prescription medication.

e. Standby personnel must be located (while driving in District or private vehicle) within one-hour travel time distance of District boundaries while on standby duty. Such one-hour response time shall take into account the day of the week and time of day for gauging a one-hour response time.

E. COMPENSATION.

1. Standby Pay – For each day on standby duty, employee will be paid a flat rate of \$50.00 per day. If the employee is called for advice or called out during the standby period, the employee receives "Phone Advice Pay or Call Out Pay" in addition to Standby Pay.

2. Phone Advice Pay – Standby personnel handling incidents by the phone during a standby period will be paid at his/her regular hourly rate of pay for a minimum of one hour for each hour he/she is required to be on the phone to troubleshoot or otherwise provide phone advice. Personnel shall be entitled to one full hour's pay at straight time for any hour in which he is required to be on

the phone for such purposes. Said phone advice pay is in addition to standby pay.

3. Call Out Pay

a. If standby personnel are “called out” during a standby period, they will be compensated in accordance with overtime for the hours worked during the “call out,” with the clock starting at the time of the call out and terminating upon clock out.

b. Such call out pay is in addition to standby pay and any phone advice pay if personnel separately try to provide advice by phone to fix the problem but are then required to respond in person.

4. Failure to Respond

If contact cannot be made with an employee who is on standby status or if that employee fails to perform the work required, that employee is ineligible for standby pay.

Section 4.5: SALARY ADMINISTRATION.

Section 4.5.1: General Policy. It is the policy of the Costa Mesa Sanitary District to provide a systematic method for employees to become eligible for advancement through salary schedules.

Section 4.5.2: Merit Increases -- Part-Time Employees. Part-time employees shall be eligible for normal merit increases based upon satisfactory performance following completion of an equivalent amount of service as required for full-time employees as shown in Section 4.4.3.

Section 4.5.3: Merit Increases -- Full-Time Employees. A full-time employee shall be eligible for a merit increase based on their overall score on the employee’s annual performance evaluation. The overall score will be based on the 16 rating areas and the employee must receive the following points to receive a merit increase:

- 63 points to receive a one-step 5% merit increase
- 56 points to receive a 4% merit increase
- 49 points to receive a 2% merit increase
- Below 49 points not be eligible to receive an increase

Supervisors must receive the following points to be eligible for a merit increase:

- 85.5 points to receive a one-step 5% merit increase
- 76 points to receive a 4% merit increase
- 66.5 to receive a 2% merit increase
- Below 66.5 points not be eligible to receive an increase.

Points shall be awarded as follows: "Unsatisfactory," one point; "Below average," two points; "Competent," three points; "Above Average," four points; and "Superior," five points.

The 16 rating areas and total possible points in each area are as follows:

Observation of hours	-3 points
Appearance	-3 points
Compliance with Rules and Regulations	-3 points
Safety Practices	-3 points
Attendance	-3 points
Job Knowledge	-5 points
Public Contacts	-5 points
Cooperation and Attitude	-5 points
Rate of Learning	-5 points
Efficiency	-5 points
Effectiveness Under Stress	-5 points
Dependability	-5 points
Innovativeness	-5 points
Self Improvement	-5 points
Initiative	-5 points
Other: Report Writing, Equipment Maint/Care	-5 points

Supervisors will be rated in the following areas in addition to those areas listed above:

Leadership	-5 points
Productivity	-5 points
Evaluating Subordinates	-5 points
Supervisory Abilities	-5 points
Encourages Suggestions	-5 points

Full-time probation employees are eligible for a merit increase if he/she receives a performance evaluation score of 56 points or higher or 76 points or higher for supervisors, after completing 12 consecutive months of service in the new position, and upon the recommendation of the supervisor and the approval of the General Manager.

Eligibility for subsequent merit increases shall occur thereafter upon completion of 12 calendar months of employment and receipt of a minimum performance evaluation score of 49 points or higher or 66.5 points or higher for supervisors until the employee reaches the top step for his/her classification.

Section 4.6: SALARY RANGE ADJUSTMENTS. Salary range adjustments are effective on the date specified by the Board of Directors. Salary range adjustments are to be distinguished from merit salary increases, as they are not intended to give recognition to length and quality of service.

The salary rate of an employee whose salary range is adjusted will be adjusted to the same relative position in the revised salary range.

Section 4.7: PARTIAL PAY PERIOD PAY. Salaries for employees working less than a complete schedule in a pay period shall be computed by multiplying the number of hours actually worked during the pay period by the employee's hourly pay rate.

Section 4.8: PAYROLL.

Section 4.8.1: Payroll Direct Deposit Program

A. POLICY.

As a condition of employment, all employees are required to enroll in payroll direct deposit. Upon separation from employment with the District, the former employee will complete an exit interview with the Personnel Manager or General Manager and will receive the final payment with a physical paycheck.

B. PROCEDURE.

1. All employees must sign up for direct deposit by completing and submitting the direct deposit enrollment form and a voided check to Accounting.
2. Paychecks will be electronically paid to an employee's bank account through direct deposit and will commence on the first payroll after enrollment.
3. Upon separation and following the exit interview with the Personnel Manager or General Manager, the Personnel Manager shall authorize release of the final paycheck to the employee.

Section 4.8.2: Payroll Withholding Allowance

A. Every employee must furnish a signed federal withholding exemption certificate (Form W-4) and state Form DE4 on or before the date of employment in accordance with applicable Internal Revenue Code sections and state income tax code. Employees are permitted to amend the W-4 or DE4 once per calendar year quarter. Upon separation with the District, the employee will be permitted one last withholding adjustment.

B. Employees shall submit completed W-4 or DE4 forms to Accounting for processing through payroll and will commence in conjunction with the normal payroll process and cycle.

Section 4.8.3: Time Cards, Core Hours and Adjustments

Each District employee submits time cards to their direct supervisor for review and, in turn, to the Accounting Manager for entry into the electronic payroll system.

A. The time cards are the official timekeeping documents for each employee and are subject to audit. Hours worked are entered on the time card according to code. Each employee is responsible for the accuracy of his/her time card, which must be signed and approved by his/her supervisor or the Personnel Manager.

B. Duty hours are set for each employee, with flexibility to allow for minor variances. The duty hours consist of a core time of 7:30 am to 4:30 p.m. daily (except if the employee is on a flex schedule and is absent a full day) during which all employees are expected to be present and available for District service. A normal duty is an eight-hour or nine-hour workday, plus up to an hour for lunch. Every employee must take at least one-half hour for lunch every work day and is not allowed to skip lunch to make up lost time.

C. Each employee has 60 days after the end of the pay period to correct any errors on his/her time card. Corrections must be requested as soon as discovered. The Personnel Manager will review each request for approval. After the 60-day period, no corrections or adjustments may be made on the time card which will be the official document of record of time worked during that pay period.

Section 4.9: OVERTIME.

Section 4.9.1: Authorization. All overtime shall be authorized by the appropriate supervisor and recorded on the employee's time card in accordance with state and federal law.

Section 4.9.2: Eligibility For Overtime. The General Manager shall determine which classifications are considered eligible for overtime in accordance with state and federal law.

Section 4.9.3: Overtime Compensation. Overtime compensation shall be paid in accordance with state and federal law and according to the provisions of the appropriate salary and benefit plan.

Section 4.9.4: Pre-Approval of Overtime. Classified (non-exempt) employees are not permitted to work overtime without pre-approval from their direct supervisor. Working overtime without pre-approval is grounds for discipline.

Section 4.9.5: Use of Compensatory Time-Off. Compensatory time off can be taken only with the supervisor's approval and the General Manager's concurrence. An employee may, with the Personnel Manager's approval, accumulate compensatory time to be taken during subsequent pay periods. An unlimited amount of compensatory hours may be accumulated during the fiscal year for all eligible employees but any remaining balance will be paid off in full effective June 30 of each year.

Section 4.9.6: Compensation For Overtime At Termination. Any employee who terminates employment shall be paid at the employee's regular rate of pay for all accrued.

Section 4.10: BENEFITS.

Section 4.10.1: Retirement. Employees do not pay into Social Security with the exception of 1.45% of gross income, which is paid into the Medicare portion of Social Security. The District maintains a contract with the Board of Administration California Public Employees' Retirement System (CalPERS), subject to the Public Employees' Retirement Law, Government Code sections 20000 et seq. (PERL). The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member shall be determined in accordance with Government Code section 21354 (2% at age 55 Full or 2% at age 60 Full). Employees hired after July 1, 2011 will be enrolled in CalPERS in a 2% at 60 plan. Employees hired after July 1, 2011 will pay his/her contributions to CalPERS, which is 7% of gross annual income, while the District will pay employer contributions, which varies from year to year. For employees hired before July 1, 2011, the District pays both the employee (7%) and employer (varies) contributions to CalPERS. The Personnel Manager maintains copies of the complete documentation for review. In summary:

A. To be eligible for service retirement, a member must be at least 50 years old and have five years of CalPERS credited service. There is no compulsory retirement age.

B. The monthly retirement allowance is determined by age at retirement, years of service credit and final compensation. The basic benefit is 2% of final compensation for each year of credited service upon retirement at age 55 or 60.

C. Final compensation is the average monthly pay rate during the last consecutive 12 months of employment.

D. PRE-RETIREMENT DEATH BENEFITS. This benefit is a refund of the member's contributions plus interest and up to six month's pay (one month's salary rate for each year of current service up to a maximum of six months).

E. DEATH AFTER RETIREMENT. The lump sum death benefit is \$500.00.

F. TERMINATION OF EMPLOYMENT. Members who have separated from employment may elect to leave their contributions on deposit or request a refund of contributions and interest. Those who leave their contributions on deposit may apply at a later date for a monthly retirement allowance if the minimum service and age requirements are met. Members who request a refund of their contributions terminate their membership and are not eligible for any future benefits unless they return to CalPERS membership.

Section 4.10.2: Insurance. The District offers medical, dental, vision and life insurance plans through a "Benefits Bucket." Each employee receives the same

“bucket” of funds to select and pay for desired benefits and levels of coverage – unused “bucket” funds are paid directly to the employee as additional compensation or can be used in a Deferred Compensation/457(b) plan. The current monthly bucket for an individual employee is \$799.00. For employees with families (i.e. two or more dependents) the monthly bucket is \$1,199.00.

Section 4.10.3: Paid Time Off.

A. HOLIDAYS. The District will observe the following holidays, including two eight-hour floating holidays as paid time off. In the event any of the above holidays fall on Saturday, the preceding Friday will be observed. In the event any of the above holidays fall on Sunday, the following Monday will be observed.

New Years Day	Labor Day
Martin Luther King Day	Thanksgiving (Thurs & Fri)
Presidents Day	Veterans Day
Memorial Day	Christmas Day
4 th of July	

B. VACATION. Regular full-time employees in the classified service with an average workweek of 40 hours shall receive annual vacations with pay in accordance with the following provisions:

1. After continuous full-time service amounting to one year or more, such employee shall have accrued paid vacation at the rate of 92 working hours per year. The maximum allowable vacation leave bank is 184 hours.

2. Upon completion of three years of continuous full-time service, but less than five years of continuous full-time service, such employee shall accrue 116 working hours per year. The maximum allowable vacation leave bank is 232 hours.

3. Upon completion of five years of continuous full-time service, but less than 10 years of continuous full-time service, such employee shall accrue 140 working hours per year. The maximum allowable vacation leave bank is 280 hours.

4. Upon completion of 10 years of continuous full-time service, but less than 15 years of continuous full-time service, such employee shall accrue 164 working hours per year. The maximum allowable vacation leave bank is 328 hours.

5. Upon completion of 15 years of continuous full-time service such employee shall accrue 188 working hours per year. The maximum allowable vacation leave bank is 376 hours.

C. VACATION LEAVE.

1. Vacation leave taken shall not be in excess of the vacation leave actually earned at the time it is taken. Employees may be granted vacation leave as accrued from date of hire after six months of continuous full-time employment.

2. Employee requests to take annual vacation leave shall normally be requested and approved ahead of time through their supervisor, preferably with one or more week's notice, with particular regard for the needs of the District service and due regard for the wishes of the employee.

3. In the event one or more municipal holidays fall within a vacation leave, vacation may be extended accordingly for those employees eligible for such holiday.

4. Any leave of absence without pay shall not accrue vacation leave for such absence.

5. At the end of the year, after receiving approval by the supervisor and Personnel Manager, employees may cash out a maximum of 40 hours of vacation per calendar year as long as the employee has a minimum of 80 hours accrued in the bank and has taken 40 hours of vacation in the same calendar year.

6. Upon termination, a permanent employee will receive compensation at his/her current rate for all unused earned vacation up to and including the date of termination.

7. Occasionally, significant unused vacation time can accrue leading to an excess balance of unpaid vacation time. The maximum amount of vacation time a full-time employee may accrue depends on the number of years of service and is given in the chart below. (The Personnel Manager shall maintain oversight of District vacation accruals.) Employees are expected to manage their own accrual of vacation leave. Hours shall not exceed the maximum hours according to years of service otherwise, employees will be subject to mandatory vacation.

	Annual Vacation	Maximum Allowable
Years of Service	Accrual	Vacation Leave Bank
	(hours)	(hours)
1 to 2	92	184
3 to 4	116	232
5 to 9	140	280
10 to 14	164	328
15 +	188	376

D. EXECUTIVE LEAVE. Exempt employees will receive 40 hours each fiscal year of Executive Leave. Balances in Executive Leave hours cannot be carried over to proceeding years. Employees must use the 40 hours of Executive Leave within the fiscal year or they will forfeit the remaining balance. Employees can cash out 20 hours of Executive Leave hours at their current rate of pay, but must use or schedule 20 hours of Executive Leave to be eligible for the cash out.

E. SICK LEAVE.

1. Sick Leave Accumulation. Regular full-time employees earn and accumulate sick leave credit at the rate of 20% of the standard average workweek for each full month of continuous service if the employee has worked or has been on authorized leave of absence with pay. An employee continues to earn sick leave while on any paid leave. An employee shall not receive payment for unused accumulated sick leave upon termination of employment or retirement (either disability or regular). An employee may not use sick leave to extend a retirement (either disability or regular) or termination date. This prohibition shall not affect an employee's right to obtain sick leave credit with PERS.

2. Accounting Of Sick Leave Used. Each employee has one hour deducted from the employee's accrued sick leave time for each hour of sick leave taken.

3. Holiday During Sick Leave. In the event that a paid holiday occurs during a period when the employee is on sick leave, the holiday is not charged against the employee's accrued sick leave.

4. Use Of Sick Leave. An employee eligible for sick leave is granted such leave for the following reasons:

a. Non-service-related illness, injury or exposure to contagious disease to the employee or physical or mental incapacity of the employee due to non-service-related illness or injury.

b. Medical or dental office or hospital visits for examinations, diagnosis, or treatment to the extent such appointments cannot be scheduled outside the work day.

c. Maternity-related disabilities as provided in Section 4.10.3.F.

d. Serious illness or emergency of a member of the employee's immediate family member, who is incapacitated and/or requires the service of a physician, and when the presence of the employee is required.

5. Exclusions. No employee is entitled to sick leave while absent from duty on account of any of the following causes:

- a. Sickness or injury sustained while on leave of absence without pay.
- b. Sickness or injury sustained from improper employee conduct as defined in Section 14.2 herein.
- c. To permit an extension of the employee's vacation.

Sick leave shall not be considered as a right which the employee may use at his or her discretion, but shall be allowed only in accordance with Section 4.10.3.E.4.

6. Proof Required. The supervisor will approve sick leave only after having ascertained that the absence was for an authorized reason. When absence is for more than three work days or if abuse of sick leave is suspected, the supervisor may require the employee to submit substantiating evidence including, but not limited to, a physician's certificate. If the supervisor requires the employee to submit substantiating evidence, the supervisor shall make this requirement known to the employee as soon as possible. If the supervisor does not consider the evidence adequate, he/she will disapprove the request for sick leave, and such time off will be considered a leave of absence without pay. In order for the employee to be eligible for paid sick leave, the District reserves the right to verify the reason for the use of sick leave by whatever means the District deems appropriate.

7. Exhaustion Of Sick Leave. In the event an employee uses all of the sick leave the employee has accrued, upon the approval of the supervisor, the employee may have any other paid leave days which the employee has accrued deducted for each day or portion thereof he/she is absent due to illness. This deduction will continue until the employee either returns to work or uses all his/her accrued leave time. With the concurrence of the General Manager, the supervisor may, pursuant to Section 4.10, allow the employee to take a leave of absence without pay if the employee does not have any paid leave time or sick leave remaining to his/her credit.

E. PENALTY FOR SICK LEAVE ABUSE.

1. The District's successful operation depends in large part upon the attendance of each of its employees. Employees have an important job that fits into a pattern of service. Unnecessary and unexcused absences, therefore, are undesirable because they affect not only operations but the way in which fellow employees are able to do their jobs. It is important, too, to have a uniform attendance policy to avoid any misunderstandings regarding attendance expectations.

2. Any unapproved absence may constitute cause for disciplinary action, up to and including discharge from employment.

3. Abuse of Sick Leave and Excessive Absenteeism: If it appears that an employee is abusing sick leave or using sick leave excessively, the employee will be counseled that continued use of sick leave may result in a requirement to furnish a medical certificate for each such subsequent absence for sick leave regardless of duration. Continued abuse of leave or excessive use of sick leave constitutes grounds for dismissal.

a. "Abuse of sick leave" means the misrepresentation of the actual reason for taking sick leave, using sick leave for unauthorized purposes, failure to report sick leave, and may include chronic, persistent or patterned use of sick leave.

b. "Excessive absenteeism" is a level of absence, other than protected leaves, that significantly disrupts the work of the District. Absenteeism may be excessive even where the employee remains able to draw upon accrued leave accounts. An employee may be considered excessively absent when he/she has used an above-average amount of unscheduled leave (40 hours or more), excluding any protected leaves.

4. The Personnel Manager shall have the authority to request a medical report substantiating any illness for a return to work report, provided privacy laws are observed. When, in the judgment of the Personnel Manager, the employee's reasons for being absent are inadequate, and/or not consistent with the eligibility requirements for use of sick leave, he/she shall change the payroll time report to indicate the absence was leave without pay. In addition, the employee is subject to disciplinary action.

F. MATERNITY LEAVE. Absence caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery there from, are, for all job related purposes, to be considered temporary inability to work. Accrued sick leave may be used prior to birth for childbearing or related circumstances (e.g. miscarriage, abortion or recovery there from) as needed. Following birth and end of any period of disability, accrued sick leave may be used for a period not to exceed six weeks.

1. Pregnancy Disability Leave Without Pay. A pregnant employee shall be entitled to unpaid leave for up to three months where the employee is disabled by pregnancy, childbirth or related medical conditions, or up to six weeks of leave for a normal pregnancy so long as the employee's attending physician certifies that she is physically unable to work due to pregnancy or a pregnancy-related condition. Leave may be taken intermittently or on a reduced work schedule when medically advisable, as determined by the employee's health care provider. During said leave of absence, the employee must first use accumulated sick leave. Upon request, and at the discretion of the employee, vacation or other earned undifferentiated paid leave may be used during

pregnancy disability leave. Employees receiving long-term disability may use such leaves at the employee's option to make up the difference between long-term disability benefits and the employee's regular pay.

2. Certification Requirements. All pregnancy disability leave must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to the Personnel Manager prior to being taken. Requests for an extension of leave must be submitted in writing to the Personnel Manager prior to the agreed date of return and must be supported by a written certification of the attending physician that the employee continues to be disabled by pregnancy, childbirth, or a related medical condition.

3. Work During Pregnancy. Female employees may continue working during pregnancy as long as the individual, her physician, and the supervisor concur in her ability to work, and the demands of the job are satisfied. Proof of the physician's concurrence must be submitted at regular intervals during the employee's pregnancy when requested by the supervisor.

4. Benefits During Leave. An employee on pregnancy disability leave may receive any group health insurance coverage that was provided before the leave on the same terms as provided to other employees who become disabled off-duty, if: 1) the employee is eligible for concurrent family medical leave; and 2) the employee has not already exhausted this 12-week group health insurance coverage benefit in the current family medical leave eligibility period. The District may recover premiums it paid to maintain health coverage, as provided by the family and medical leave laws, if an employee does not return to work following pregnancy disability leave.

An employee on pregnancy disability leave who is not eligible to receive group health insurance coverage as described above, may receive health insurance coverage in conjunction with COBRA guidelines by making monthly premium payments to the District.

5. Return From Maternity Leave. Upon expiration of the approved leave, and the District's receipt of a written statement from the health care provider that the employee is fit for duty, the employee shall be reinstated to her former position or to a comparable one if the former position is abolished during the period of leave and the employee would otherwise not have been laid off. The comparable position is one having similar terms of pay, location, job content and promotional opportunities.

If the employee's original position is no longer available, the employee will be assigned to an open position that is substantially similar in job content, status, pay, promotional opportunities, and geographic location as the employee's original position.

If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the District will

initiate an interactive process with the employee in order to identify a potential reasonable accommodation.

An employee who fails to return to work after the termination of her leave loses her reinstatement rights.

Time off on pregnancy disability leave without pay by a probationary employee shall not be counted as part of the probation period. Failure to return to work after the authorized three-month period causes the pregnant employee to have no reinstatement rights.

G. BEREAVEMENT. In the event of a death in the employee's immediate family, a regular full-time employee shall be entitled, at the discretion of the General Manager, to one-five working days off with pay to attend the funeral. The relatives designated shall include father, mother, wife, husband, brother, sister, daughter, son, grandparents, brothers and sisters having one parent in common, and those relationships generally called "step," providing persons in such relationships have lived or have been raised in the family home and have continued an active family relationship.

To be eligible for bereavement leave, the employee must attend or make a bona fide effort to attend the funeral. Bereavement leave is not compensable when the employee is on leave of absence, bona fide layoff, or for days falling outside the employee's regular work period. Bereavement leave is not chargeable against sick leave.

H. JURY OR COURT LEAVE. While on jury duty or while appearing as a legally required witness, except in private cases not related to the employee's job, an employee will receive full pay from the District. For purposes of payroll, an employee must obtain validation from the Jury Clerk of time spent on jury duty. An employee who is summoned must notify his or her supervisor or the General Manager as soon as possible after receiving notice of both possible and actual jury service and/or witness testimony. An employee receiving witness fees or jury service fees, shall remit such fees to the Personnel Manager in order to be considered at work for payroll purposes during the time spent as such witness or serving on the jury. The employee is entitled to retain any mileage allowance the court pays.

I. MILITARY LEAVE. Military leave shall be granted in accordance with the provisions of state and federal laws. All employees entitled to military leave shall give the supervisor an opportunity within the limits of military regulations to determine when such leave shall be taken.

1. Employees who are called or volunteer for services with the armed forces of the United States or the California National Guard shall be entitled to be considered for reinstatement in accordance with the provisions of these rules.

2. An employee promoted to fill a vacancy created by a person serving in the armed forces shall hold such position subject to the return of the

veteran. The employee affected by the return shall be restored to the position he or she held previously or any other equivalent position.

3. A new employee hired to fill a vacancy created by a person serving in the armed forces shall hold such position subject to the return of the veteran. The employee affected by the return shall be placed in as nearly equal a vacant position as may exist, or if no such position exists, may be subject to layoff.

4. Reserve Duty. Employees who participate in a reserve unit of the armed forces shall attempt to arrange time off for two-week assignments with the supervisor in advance of the scheduled drill. Such employees shall receive their normal compensation during a two-week drill assignment. Weekend drills shall also be scheduled in advance if the employee is scheduled to work on weekends.

J. **WORKERS' COMPENSATION.** All employees of the District are covered by the workers' compensation laws of the State. The District is a member of the Special District Risk Management Authority (SDRMA). This Authority establishes procedures regarding employee notification of worker's compensation benefits.

The District shall provide to every new employee, either at the time of hire or by the end of the first pay period, the Written Notification of Medical Provider Network (MPN) and the "Well Comp Medical Provider Network" pamphlet in both English and Spanish.

After an employee is injured, the employee shall immediately notify their designated Supervisor. The injured employee or their designated representative shall receive and complete the employee portion of the Department of Workers Compensation form (DWC 1). If an employee declines to have medical treatment, they must complete the employee portion of the Declination of Medical Treatment and Declination of Medical Treatment Incident Form. All forms must be returned to supervisors within 24 hours of notification of a workplace illness or injury. Employees should retain a copy of all forms for their records.

Supervisors must complete the employer portion of the (DWC 1) form. If the employee declines treatment, Supervisors must complete the employer portion of the Declination of Medical Treatment and Declination of Medical Treatment Incident Form. For employees requesting medical treatment, Supervisors must complete Form 5020 (Employer's Report of Occupational Injury or Illness); write the employee's name and incident date on the Treating Physician Checklist and print, sign, and date the initial treatment authorization.

All forms shall be completed within 24 hours of notification of a workplace injury or illness. Employees should take the Treating Physician Checklist and treatment authorization to the designated medical facility or pre-designated physician.

In addition, Supervisors are required to complete the Supervisor Incident Form for any treated or untreated workplace injury or illness and mail it, along with indicated attachments to:

York Insurance Services Group
313 East Foothill Blvd.
Upland, CA 91786

Any employee who is eligible for temporary disability payments under the workers' compensation law shall, for the duration of such payments, receive only that portion of his/her regular salary which, together with said payments, will equal his/her regular salary. Unless otherwise advised in writing by the employee within a five-day period, such salary payments made during a period of temporary disability payments shall be charged against the employee's accumulated sick leave or vacation leave. Should the employee's accumulated sick leave and vacation leave be exhausted, the employee shall be subject to a leave of absence without pay. In order for the employee to not endure an undue hardship caused by the time lag involved in temporary disability, the employee, at the discretion of the General Manager, may be paid his/her full salary to the extent of accumulated sick leave or vacation leave. Upon receipt of temporary disability payments, the employee shall endorse such payments to the District.

After exhausting sick leave and vacation benefits, and while the employee continues to receive workers' compensation benefits, the District may collect from the employee the employee's costs of insurance and the District may pay the employer's cost of insurance. After the employee has exhausted sick leave and vacation benefits, the District will make no contributions to the retirement plan.

Section 4.10.4: Employee Assistance Program (EAP). The District will sponsor an employee assistance program at no charge to all employees.

Section 4.10.5: Deferred Compensation/457(b) Plan. The District will participate in a deferred compensation/457(b) Plan that will allow employees to supplement their retirement plan. The District will not make any contribution to an employee deferred compensation/457(b) Plan. However, employees may select to use the balance of their insurance bucket as contribution to their deferred compensation/457(b) Plan.

Section 4.11: FAMILY CARE AND MEDICAL LEAVE.

A. POLICY STATEMENT.

To the extent not already provided for under current leave policies and provisions, the District will provide family and medical care leave for eligible employees as required by State and Federal Law. The following provisions set forth certain rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the regulations of the California

Family Rights Act ("CFRA"). Unless otherwise provided by this article, "Leave" under this article shall mean leave pursuant to the FMLA and CFRA.

NOTE: FMLA/CFRA Leave taken under this policy is separate and distinct from leave time taken under the California Pregnancy Disability Leave, which provides a maximum of four months of unpaid leave, with the employee's same or equivalent position being assured upon return, but with no employer-paid benefits provided during the leave; with the exception of the first 12 weeks when FMLA leave runs concurrently with California Pregnancy Disability Leave.

B. ELIGIBILITY.

An employee is eligible for FMLA/CFRA Leave if the employee:

1. Has been employed as a regular or extra help status District employee for at least 12 months of service at any time; and
2. Has been employed as a District employee and has actually worked for at least 1,250 hours during the 12-month period immediately preceding the date leave first begins; and
3. Is employed at a work site where the employer employs at least 50 employees within 75 miles of that work site

C. DEFINITIONS.

1. For the purposes of this Policy, the following definitions apply:

- a. "Child" - biological, adopted, foster, stepchild, legal ward, or a child of an employee standing "in loco parentis" (in place of a parent) who is either under age 18, an adult dependent child, or an adult child incapable of self-care because of a mental or physical disability.

- b. "Parent" - biological, adoptive, foster, step-parent, or legal guardian or other person who stood in loco parentis to the employee when the employee was a child. This term does not include parent-in-laws.

- c. "Spouse" – husband or wife as defined or recognized under California State law for purposes of marriage.

- d. "Domestic Partner" – as defined by California Family Code §§ 297 and 299.2.

- e. "Serious Health Condition" - illness, injury, impairment, or physical or mental condition of the employee or a child, parent, spouse or domestic partner of the employee which involves either:

i. In-patient care (i.e. a overnight stay) in a hospital, hospice, or residential health care facility; or

ii. Continuing treatment or continuous supervision by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

1. A period of incapacity due to serious health conditions of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:

a. Unless extenuating circumstances exist, treatment two or more times within 30 days of the first day of incapacity by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity; or

b. Treatment by a health care provider on at least one occasion which must take place within seven days of the first day of incapacity and results in a regimen of continuing treatment under the supervision of the health care provider. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.

2. Any period of incapacity due to pregnancy or for prenatal care. (This entitles the employee to FMLA leave, but not CFRA leave. Under California law an employee disabled by pregnancy is entitled to pregnancy disability leave.)

3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

a. Requires periodic visits (defined as at least twice a year) for treatment by a health care

provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and

c. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.) Absences for such incapacity qualify for leave even if the absence lasts only one day.

4. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider.

5. Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

f. "12-Month Period" - a rolling 12-month period measured backward from the date an employee uses any leave except pregnancy. Each time an employee takes leave, the remaining leave entitlement would be any balance of the 12 work weeks which has not been used during the immediately preceding 12 months.

g. "Health Care Provider" – (1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California; (2) Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treats or supervises treatment of a serious health condition; (3) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in the State of California and performing within the scope of their practice as defined under California State law; (4) Nurse practitioner and nurse-midwives who are authorized to practice under California State law and who are performing within the scope of their practice as defined by California State law; (5) Christian Science practitioners listed with the First Church of Christ, Scientist in

Boston, Massachusetts; and (6) Any health care provider from whom an employer or group health plans benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

h. “Active Duty or Call to Active Duty Status” – duty under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation for members of the Reserve components, the National Guard, and certain retired members of the Regular Armed Forces and retired Reserve while serving on active duty status during a war or national emergency declared by the President of Congress.

i. “Qualifying Exigency” – short-notice deployment, military events and related activities, childcare and related activities, financial and legal arrangements, counseling, rest and recuperation, and postdeployment activities.

j. “Covered Servicemember” – (1) a current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty, (2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness that was aggravated by the veteran’s actions in the line of duty, and who was a member of the Armed Forces (including a member of the National Guard and Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

k. “Outpatient Status” – with respect to a covered servicemember, the status of a member of the Armed Forces assigned to either:

i. A military medical treatment facility as an outpatient;
or

ii. A unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

l. “Next of Kin of a Covered Servicemember” – the nearest blood relative other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or his

nearest blood relative for purposes of military caregiver leave under the FMLA.

m. “Serious Injury or Illness” – an injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties the duties of the member’s office, grade, rank, or rating.

2. PERMITTED REASONS FOR FMLA/CFRA LEAVE

Leave is permitted only for the following reasons:

a. The birth of a child or the placement of a child with an employee in connection with the adoption or foster care of a child. This leave right expires 12 months after the birth or placement. (California has a separate pregnancy disability leave of up to four (4) months.)

b. To provide care for a child, parent, spouse or domestic partner of the employee, if such immediate family member has a serious health condition;

c. The employee's own serious health condition that makes the employee unable to perform the essential functions of his/her position;

d. A “qualifying exigency” arising out of the fact that an employee’s spouse, son, daughter or parent is on active duty or called to active duty status in the Armed Forces (including National Guard and Reserves) (under FMLA only, and not CFRA); or

e. To provide care for a spouse, son, daughter, parent or “next of kin” who is a covered servicemember (this leave may run up to 26 weeks of unpaid leave during a single 12-month period) (under FMLA only, and not CFRA).

D. PROVISIONS.

1. LENGTH OF LEAVE

a. Minimum Duration

i. FMLA/CFRA Leave may be taken in one or more periods, but shall not exceed a total of twelve (12) work weeks of leave during the defined 12 month period, except in the case of pregnancy and leave to care for a covered servicemember. Eligible employees are entitled to 26 work weeks of FMLA Leave during any 12-month period to care for a covered servicemember.

ii. A leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. The basic minimum duration of a leave taken for the birth, adoption, or foster care placement of a child shall be two weeks. A leave request, for such purpose, of less than two week's duration shall be granted on any two occasions. Any such leave shall be concluded within one year of the birth or replacement of the child with the employee in connection with the adoption or foster care of the child by the employee.

b. Pregnancy Disability/Maternity Leave

The State Pregnancy Disability Statute covers employees on leave for pregnancy and birth of a child. This statute allows employers to authorize up to four months of leave of absence for pregnancy disability. During this time FMLA leave is started concurrently. After the pregnancy disability, the employee may request additional time off for bonding with the newborn child and this time is authorized by the CFRA and can be up to 12 weeks in addition to the pregnancy disability period.

c. Spouses Both Employed by District

Where both husband and wife are employed by the District, the aggregate total leave time granted to both as a couple shall not exceed the 12 work weeks during a 12-month period if leave is taken for birth or placement for adoption or foster care. This limitation does not apply to any other reason for leave. (Example: if a husband becomes ill and needs to take medical leave due to his own illness, his wife would then be entitled to FMLA/CFRA Leave to care for him up to the full 12-week period.)

Where both husband and wife are employed by the District, the aggregate total leave granted to both as a couple shall not exceed 26 work weeks during a 12-month period if leave is taken to care for a covered servicemember.

d. Extension Beyond Original Estimate

FMLA/CFRA Leave may be extended beyond the original estimated date of return as long as the total amount of leave is no longer than the maximum 12 work weeks. To extend a leave the employee must submit a new Leave of Absence Request Form prior to the expiration of the current leave. An extension of the FMLA/CFRA Leave will not cause the leave benefits to exceed the 12 work week limitation. An employee who does not return from the leave as scheduled, and who has not received prior approval to extend the leave, may be considered absent without authorization.

2. INTERMITTENT LEAVE/REDUCED WORK SCHEDULE

"Intermittent Leave" is defined as leave not taken continuously in one block of time, such as leave taken a few days or hours at a time on a continuing basis. A "Reduced Leave Schedule" is defined as a leave schedule that reduces the employee's usual number of hours per work week or work day.

If an employee requests intermittent leave or leave on a reduced leave schedule that is foreseeable and based on planned medical treatment, the District has the discretion to transfer the employee temporarily to an available alternative position for which the employee is qualified, that has equivalent pay and benefits, and better accommodates recurring periods of leave than the regular employment position of the employee.

3. LEAVE PAY STATUS

a. Employee Serious Health Condition

If FMLA/CFRA Leave is taken for the employee's own serious health condition, that is not a pregnancy disability leave or worker's compensation leave, then the employee must first use his/her sick leave in accordance with existing policy, then accrued holiday and vacation leave before unpaid leave time is taken.

If the employee's own serious health condition qualifies the employee for Short/Long-Term Disability payments and the employee applies and receives Short/Long Term Disability, then during the 15-day Short/Long Term Disability waiting period, the employee must use accrued sick leave. If the employee's sick leave balance is less than the required hours needed to cover the 15-day waiting period, the employee must supplement this sick leave shortage with holiday and or vacation leave time.

b. Child, Parent, Spouse or Domestic Partner Health Condition

If an employee takes FMLA/CFRA Leave for the care of a child, spouse or parent; or for the placement of a child for adoption or foster care or birth of a child other than FMLA running concurrently with California Pregnancy Disability Leave, the employee must use accrued holiday and vacation leave before unpaid leave is taken.

The employee may elect to use up to 50% of accrued annual sick leave for the care of an immediate family member, as defined in section 4.11.C of the Employee Handbook.

c. Pregnancy Disability Leave

FMLA leave runs concurrently with an employee's pregnancy disability leave. In such case, the employee will be required to use sick

leave hours first, then the FMLA Leave is unpaid unless the employee elects to substitute accrued holiday and vacation leave.

If there is a waiting period for pregnancy disability leave or short/long-term disability based on pregnancy or childbirth, then the employee must use accrued sick leave before unpaid leave is taken during the waiting period.

d. Worker's Compensation Absence

Miscellaneous Employees:

An employee's FMLA/CFRA Leave may run concurrently with a Worker's Compensation absence. Because Worker's Compensation absence is not unpaid leave, the employee need not substitute other paid leave. The employee may elect to use paid leave balances to receive up to his/her regular compensation.

e. Bonding with Child

An employee is required to use his or her paid vacation and/or holiday hours for leave requests taken for the birth, adoption or foster care placement of a child. For employees out on Pregnancy Disability leave, this leave time per CFRA is in addition to the leave period of up to 4 months for pregnancy disability.

E. EFFECT ON MEDICAL INSURANCE AND OTHER BENEFITS.

1. During the employee's FMLA/CFRA Leave the District shall continue to pay the usual contribution towards the employee's medical, dental, basic life, vision and long-term disability (where applicable) premiums, under the same condition as coverage would have been provided if the employee had been continuously working. The District shall not continue to pay contributions towards any other plans not covered by the District's group health insurance plans.

2. The employee must continue to pay his/her share of insurance costs, if any, either through payroll deduction or optional benefit while using leave balances, or by direct payment to the District while on leave. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occur while the employee is on leave.

3. Under the District's Medical Insurance Enrollment Policy, all regular District employees are required to be enrolled in a medical plan for no less than

"employee only" coverage. This coverage must be maintained while the eligible employee is on a CFRA leave of absence. If the employee misses a required payment of the employee's share, the District will pay the premium so that coverage remains in place. The employee will be required to reimburse the District (on a payroll deduction schedule) for any delinquent payment(s) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.

4. If the employee fails to return to work after the employee's FMLA/CFRA Leave entitlement has been exhausted or expires, the District may recover its share of health plan premiums paid during the period of unpaid FMLA/CFRA Leave. The District may not seek to recover its share of health care premiums if the employee does not return because of: 1) the continuation, recurrence or onset of a serious health condition of the employee or a covered family member, or 2) circumstances beyond the employee's control, such as where an employee's spouse is unexpectedly transferred to a new job location, or someone other than an immediate family member has a serious health condition whom the employee needs to care for.

The District may require certification issued by a health care provider for claims that an employee is unable to return to work because of the continuation, recurrence or onset of a serious health condition of the employee or a covered family member. If certification is requested by the District and not provided within 30 days, the District may recover the health benefit premiums it paid during the period of unpaid FMLA/CFRA Leave.

In circumstances where the District may recover premiums from the employee, the District may recover its share of health insurance premiums through deduction from any sums due the employee (e.g. unpaid wages, vacation pay, etc.). See Medical Insurance Policy.

5. The employee on unpaid FMLA/CFRA Leave will be credited with all service prior to the commencement of the unpaid leave, and for the period of the leave, except for Public Employees' Retirement System (PERS). Since retirement contributions are based on wages paid, the District shall not be required to make retirement plan contributions (PERS) for an employee while the employee is on any unpaid FMLA/CFRA Leave.

6. An employee is not entitled to the accrual of sick leave, vacation leave or holiday leave balances during periods of unpaid leave.

F. EMPLOYEE STATUS WHILE ON FMLA LEAVE.

1. FMLA/CFRA Leave is not considered an interruption of continuous service (break in service) for purposes of seniority in a classification. Employees returning from leave shall return with no less seniority for purposes of layoff, recall, promotion or job assignment.

2. Probationary periods shall be extended to cover the period of the leave.

G. FORMS TO BE SUBMITTED BY THE EMPLOYEE.

1. An employee who wishes to take FMLA/CFRA Leave must submit a written Leave of Absence Request Form which is signed by his/her supervisor, and forward this form to Personnel. Upon receipt of the signed Leave of Absence Form, Personnel shall forward the FMLA/CFRA Leave Form to the employee for signature and a Medical Certification form for completion by his/her or the covered family member's attending physician. The District shall not deny a FMLA/CFRA Leave request which is an emergency or is otherwise unforeseeable on the basis that the employee did not provide the 30-day advance notice of the need for the leave.

2. Advance notice of leave should be given as follows:

a. If the event necessitating the leave becomes known to the employee more than 30 calendar days prior to the employee's need for a leave, the employee shall provide written notice to his/her immediate supervisor as soon as he/she learns of the need for a leave with, at a minimum, 30 days written advance notice.

b. If the event necessitating the leave becomes known to the employee less than 30 calendar days prior to the employee's need for a leave, the employee shall provide to his/her immediate supervisor as much advance notice as possible, which must be given as soon as practicable. It is expected that notice will be given within 1-2 working days of learning of the need for leave. Upon an employee requesting leave or the supervisor learning of an FMLA/CFRA qualifying event, the employee shall be given a Request for Leave form and submit it to their immediate supervisor or the Human Resources Department.

c. If an employee seeks leave due to a condition for which the District has previously provided FMLA-protected leave, the employee must inform the District that the leave is for a condition that was previously certified for which the employee has previously taken FMLA leave.

d. If an employee's need for FMLA/CFRA Leave is due to a planned medical treatment, the employee shall consult with their supervisor or other designated department representative to schedule the treatment or care so as to minimize disruptions to the operation of the District. Any such scheduling, however, shall be subject to the approval of the health care provider of the employee or covered family member.

3. The General Manager or designee may consult with the Personnel Manager regarding the leave request, and shall respond to the employee as

soon as possible, and forward the written form to the Personnel Manager immediately. The District shall respond in writing to the employee as soon as possible after receiving the written request, within two working days, if possible. The District shall attempt to respond to the leave request and designate the leave as FMLA/CFRA leave as soon as possible, and will make every effort to respond before the date the leave is to begin.

H. CERTIFICATION REQUIREMENTS.

As a condition for granting FMLA/CFRA Leave for the employee's serious condition or for the care of a covered family member who has a serious health condition, the employee must submit within 15 days (unless there is a medical emergency or other extenuating circumstance) a written certification from the health care provider of the individual requiring care. The certification will be sufficient if it includes the following:

1. A statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the covered family member; or

2. In the case of leave requested because of a serious health condition for a covered military member, for the first time the employee requests leave for a qualifying exigency, the District may require the employee to provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service. A copy of a new active duty order or similar documentation shall be provided to the employer if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered military member.

3. In the case of certification for intermittent leave, or leave on a reduced leave schedule, a statement of the dates and duration of the intermittent leave or reduced leave schedule; or

4. In the case of certification for an employee's serious health condition, a statement that the employee is unable to perform the functions of the position due to the employee's serious health condition.

5. In addition to the above, the certification must also include:

- a. the date, if known on which the serious health condition commenced;

- b. the probable duration of the condition; and

- c. an estimate of the amount of leave which the health care provider believes the employee needs.

The District may require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by the District concerning information certified for his/her own serious health condition.

Where the second opinion differs from the first, the District may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the District and the employee concerning the information that was certified.

The opinion of the third health care provider shall be considered final and binding upon the District and the employee.

The District may require that the employee obtain subsequent recertifications if an employee requests leave beyond that specified in the original certification.

I. REINSTATEMENT TO A POSITION.

1. In addition to the above, the certification must also include:

a. As a condition of the employee's return to work, the employee must submit a "return to work" release from a health care provider stating that the employee is able to resume work. Failure to provide a "return to work" release may result in the denial of reinstatement.

b. An employee who takes FMLA/CFRA Leave shall be entitled, on return from such leave:

i. to be restored to the position of employment held by the employee when the leave commenced; or

ii. to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

c. The District may refuse to reinstate an employee to the same or comparable position if the same position or comparable position has ceased to exist because of legitimate business reasons unrelated to the employee's FMLA/CFRA Leave.

d. A restored employee is not entitled to any right, benefit, or position of employment to which the employee would not have been entitled had the employee not taken the FMLA/CFRA Leave.

e. If an employee is determined to be a "key employee" at the time the leave is requested, the FMLA requires notice to the employee of

such designation and notice of the consequences of the designation. The District may deny restoration to a salaried employee who is among the highest paid 10 percent of the employees employed by the District within 75 miles of the worksite if:

- i. such denial is necessary to prevent substantial and grievous economic injury to the operations of the District;

- ii. the District notifies the employee of the intent to deny restoration on such basis at the time the District determines that such injury would occur; and

- iii. in any case where the leave has commenced, the employee fails to return to employment within a reasonable time, taking into account the circumstances such as length of leave and urgency of the need for the employee to return after receiving such notice.

- f. An employee's acceptance of a "light duty" assignment does not constitute a waiver of the employee's prospective rights. The employee's right to restoration, however, ceases at the end of the applicable 12-month FMLA/CFRA leave year.

J. PREGNANCY LEAVE.

An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid pregnancy disability leave for up to 4 months.

1. Notice and Certification Requirements

- a. Requests for pregnancy disability leave must be submitted in writing and must be approved by the employee's supervisor or Personnel Manager before the leave begins. The request must be supported by a written certification from the attending physician stating that the employee is disabled from working by pregnancy, childbirth or a related medical condition. The certification must state the expected duration of the disability and the expected date of return to work.

- b. All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to the Personnel Manager prior to being taken. Requests for an extension of leave must be submitted in writing to the Personnel Manager prior to the agreed date of return and must be supported by a written certification of the attending physician that the employee continues to be disabled by pregnancy, childbirth, or a related medical condition.

2. Compensation During Leave

Pregnancy disability leaves are without pay. However, the employee may first use accrued sick leave, vacation leave, and then any other accrued paid time off during the leave.

3. Benefits During Leave

a. An employee on pregnancy disability leave may receive any group health insurance coverage that was provided before the leave on the same terms as provided to other employees who become disabled off-duty, if: 1) the employee is eligible for concurrent family medical leave; and 2) the employee has not already exhausted this 12-week group health insurance coverage benefit in the current family medical leave eligibility period. The District may recover premiums it paid to maintain health coverage, as provided by the family and medical leave laws, if an employee does not return to work following pregnancy disability leave.

b. An employee on pregnancy disability leave who is not eligible to receive group health insurance coverage as described above, may receive health insurance coverage in conjunction with COBRA guidelines by making monthly premium payments to the District.

4. Reinstatement

a. Upon the expiration of pregnancy leave and the District's receipt of a written statement from the health care provider that the employee is fit to return to duty, the employee will be reinstated to her original or an equivalent position, so long as it was not eliminated for a legitimate business reason during the leave.

b. If the employee's original position is no longer available, the employee will be assigned to an open position that is substantially similar in job content, status, pay, promotional opportunities, and geographic location as the employee's original position.

c. If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the District will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.

d. An employee who fails to return to work after the termination of her leave loses her reinstatement rights.

Section 4.12: REASONABLE ACCOMMODATION POLICY

A. POLICY: The District provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.

B. PROCEDURE

1. Request for Accommodation: An employee who desires a reasonable accommodation in order to perform essential job functions should make such a request in writing to the Personnel Manager. The request must identify: a) the job-related functions at issue; and b) the desired accommodation(s).
2. Reasonable Documentation of Disability: Following receipt of the request, the Personnel Manager may require additional information, such as reasonable documentation of the existence of a disability.
3. Fitness for Duty Examination: The District may require an employee to undergo a fitness for duty examination at the District's expense to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation. The District may also require that a District-approved physician conduct the examination.
4. Interactive Process Discussion: After receipt of reasonable documentation of disability and/or a fitness for duty report, the District will arrange for a discussion, in person or via telephone conference call, with the applicant or employee, and his or her representative(s), if any. The purpose of the discussion is to work in good faith to fully consider all feasible potential reasonable accommodations.
5. Case-by-Case Determination: The District determines, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide. The District will not provide accommodation(s) that would pose an undue hardship upon District finances or operations, or that would endanger the health or safety of the employee or others. The District will inform the employee of its decision as to reasonable accommodation(s) in writing.

Section 4.13: WORK HOURS.

Section 4.13.1: Hours Of Work. The work period for all employees shall be as defined by District operating policies in accordance with state and federal laws. The General Manager may establish work schedules which vary employees' workdays and hours at his/her sole discretion pursuant to the best interests of the District.

Section 4.13.2: Meal And Rest Periods. Meals and rest periods shall be recognized as a privilege and will be permitted insofar as practicable and consistent with operational interests and in accordance with state law.

Section 4.14: LEAVE OF ABSENCE WITHOUT PAY.

Section 4.14.1: Employee Requested Leave of Absence Without Pay. The General Manager may grant a regular or probationary employee leave of absence without pay not to exceed three months. No such leave shall be granted except upon written request of the employee. The request shall set forth the reason for the request. The District's response to the request shall be in writing. An employee must first use all accrued vacation and comp time credits and/or administrative leave, and the remaining approved leave of absence will be without pay. Sick leave may not be taken. Upon expiration of a regularly approved leave of absence without pay, or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time the leave was granted.

Failure on the part of an employee on leave of absence without pay to report promptly at its expiration, or within a reasonable time after notice to return to duty shall be cause for discharge. The General Manager may review and extend leaves of absence at his/her sole discretion. Supervisors may grant a regular or probationary employee leave of absence without pay not to exceed two calendar weeks. All leaves of absence without pay shall be reported to the General Manager. A leave of absence shall be considered an interruption in the probationary period. Time off on a leave of absence without pay by a probationary employee shall not be counted as part of the probation period.

Section 4.15: TUITION REIMBURSEMENT POLICY. Tuition reimbursement is available to full time employees, who have completed their initial employment probationary period, and are in good standing within their department. Employees who have transferred or have been promoted and are on probation are eligible for this program.

Employees who have been re-employed and are in their initial probationary period are not eligible for reimbursement.

Employees whose general increases are being withheld or who are under some form of disciplinary action from their supervisor or General Manager are not eligible for participation in the program.

Any employee who is eligible for tuition assistance payment or reimbursement from any other source must declare the source and amount on the tuition reimbursement application. The District will normally require the employee to use other available payment plans in preference to the District plan.

Veterans must exhaust their educational benefits before reimbursement can be approved. However, if educational benefits received do not cover the entire cost of coursework, the tuition reimbursement program may pay a percentage of the cost not reimbursed.

If an employee resigns, is discharged or laid-off prior to completion of coursework and submission of his/her grades to the Personnel Manager, his/her application for tuition reimbursement will be voided.

Contingent on budget allocations, full-time District employees who meet specified criteria will receive financial assistance to attend educational courses at fully-accredited educational institutes in order to foster personal development in job-related areas as well as career advancement. The District may reimburse eligible employees for up to for a maximum of \$5,000 per calendar year for approved educational programs. The program is available to employees who engage in studies that do not interfere with regular working hours and that lead to a degree or class work that is mutually beneficial to the District and employee.

Applications must be filed and approved by supervisors and the Personnel Manager before commencing course work. To receive reimbursement the employee must submit a grade report at the end of the course, along with a tuition and fee statement, to the Personnel Manager showing course completion with a minimum of a C grade, or passing grade in non-graded courses.

Upon certification, the Personnel Manager will submit the reimbursement request to the accounting department for payment. Payments will be made up to \$5,000 for fees for the course, textbooks and supplies.

Employees participating in this program will be required to sign a statement indicating that 100% of all funds received under this program will be returned to the District if the employee is terminated or resigns from employment with the District within one year and 50% of all funds received under this program will be returned to the District if the employee is terminated or resigns from employment with the District within two years. In reviewing the proposed educational plan of an employee, it may be necessary to place a cap on the amount of District reimbursement during any one calendar year.

The tuition reimbursement may be a taxable benefit depending upon the provisions of the Internal Revenue code. The individual employee will be responsible for any tax liability.

Section 4.16: SEWER CREW EMPLOYEES MAINTENANCE PREMIUM PAY.

Employees who are routinely and consistently assigned to repair and maintain sewer systems shall receive a premium pay of 1.5% of their base pay for each California Water Environment Association Collection System Maintenance Grade Certification level achieved. For example, an employee who receives a Collection System Maintenance Grade II Certification shall receive a premium pay of 3% of his/her base pay.

RULE 5 – RECRUITMENT AND SELECTION

Section 5.1: PURPOSE. The purpose of the recruitment and selection process is to ensure that all position vacancies are filled with qualified and competent persons who

are well suited to perform in the position for which they are employed. In that regard, all vacancies will be filled as provided in the rules, policies and procedures set forth in this Employee Handbook.

Section 5.2: NATURE OF SELECTION PROCEDURES. The methods used in the selection of District employees shall be impartial and of a relevant nature so as to fairly measure the relative capacity of job applicants to execute the duties and responsibilities of the class to which they seek to be appointed.

Section 5.3: SELECTION AND APPOINTMENT. All vacancies in the District shall be filled as provided in the rules, policies and procedures set forth in this Employee Handbook. Appointments shall be made with the objective of obtaining for the District the best qualified person or persons available as recommended by the supervisor and approved by the General Manager.

Section 5.4: APPLICATIONS AND APPLICANTS.

Section 5.4.1: Announcements. All examinations shall be publicized in District Headquarters and on the District's website and/or public bulletin boards and/or professional recruiting websites and/or media outlets, and by such methods as the Personnel Manager deems appropriate. Special recruiting shall be conducted, if necessary, to ensure that all segments of the community are aware of the forthcoming examinations. The announcements shall specify the title and pay of the class for which the examination is announced, the nature of the work to be performed, the preparation desirable for the performance of the work of the class, the manner of making applications, the date of filing, and other pertinent information.

Section 5.4.2: Application Forms. Applications shall be made as prescribed on the examination announcement. If prescribed by the Personnel Manager, application forms shall require information covering training, experience, and other pertinent information. The Personnel Manager will not process any application which is not fully completed and signed.

Section 5.4.3: Disqualification. The Personnel Manager may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications may be rejected if the applicant is physically or mentally unfit for the performance of duties of the position to which he/she seeks employment, is a current user of illegal drugs, has made any false statement of any material fact or practiced any deception or fraud in his/her application, or has been convicted of a felony or misdemeanor criminal offense, may reasonably be expected to interfere with or prevent effective performance in the position applied for or interfere or prevent effective District performance of its duties and responsibilities. Whenever an application is rejected, notice of such rejection shall be mailed to the applicant by the District. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for receiving applications has not expired, subject to the discretion of the Personnel Manager.

Section 5.4.4: Pre-Employment Screening.

A. All employment offers are conditional upon successful completion of a pre-appointed medical examination and background check, scheduled through the Personnel Manager. The Personnel Manager shall reaffirm employment offers are contingent upon successfully passing the medical examination and that the candidate should not submit termination papers to current employers until after successfully passing the medical examination.

B. All candidates are expected to provide the necessary materials to verify legal authorization to work in the United States prior to the Personnel Manager's scheduling of a pre-appointment physical. Occu-Med will review and evaluate medical examination results from the District's authorized medical clinic and notify the Personnel Manager of the results, indicating any restrictions. The Personnel Manager and General Manager will determine if any further action is necessary.

Section 5.5: EXAMINATIONS.

Section 5.5.1: Nature And Types Of Examination. The selection techniques used in the examination process shall be impartial and related to those subjects which, in the opinion of the Personnel Manager, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will fairly test the qualifications of candidates such as, but not necessarily limited to, written tests, personal interviews, performance tests, physical agility tests, medical examinations, or any combination of these or other tests. The probationary period, which may include the evaluation of daily work performance and work samples, and the successful completion of prescribed training, shall be considered as an extension of the examination process. Examinations shall be designed to provide equal opportunity to all candidates by being based on an analysis of the essential qualifications for the class and covering only factors related to such qualifications.

Section 5.5.2: Open Competitive Examination. Open competitive examinations may be administered for a single class as determined by the Personnel Manager. Names shall be placed on employment lists, and shall remain on such lists, as prescribed in Section 5.6 of this Rule.

Section 5.5.3: Promotional Examination. Promotional examinations may be conducted whenever, in the opinion of the Personnel Manager, the needs of the District require. Promotional examinations may include any of the selection techniques mentioned in Section 5.5.1 of this Rule, or any combination of them. Promotional examinations are open to District employees only. Employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.

Section 5.5.4: Continuous Examination. Continuous examinations may be administered periodically as the needs of the District require. Names shall be merged

on employment lists according to final scores, and shall remain on such lists, as prescribed in Section 5.6 of this Rule.

Section 5.5.5: Scoring Examinations And Qualifying Scores. A candidate's score in a given examination shall be the average of scores on each competitive part of the examination for which the candidate qualified, and shall be weighted pursuant to the examination announcement. The Personnel Manager may, at his/her discretion, include as a part of the examination, tests which are qualifying only.

Section 5.5.6: Notification Of Examination Results, Review Of Papers, and Examination Appeal. Each candidate in an examination shall be given written notice of the results thereof. Any candidate shall have the right to inspect his/her own examination answer sheets within five working days after the notices of examination results were mailed. Oral interview rating sheets, test booklets and related examination materials are not open to candidate inspection. Any error in computation, if appealed to the Personnel Manager within this period, shall be corrected. Such corrections shall not, however, invalidate appointments previously made.

Section 5.6: EMPLOYMENT LISTS.

Section 5.6.1: Preparation And Availability. As soon as possible after the completion of an examination, the Personnel Manager shall prepare and keep available an employment list consisting of the names of candidates who qualified in the examination, arranged in order of final scores, from the highest to the lowest qualifying score.

Section 5.6.2: Duration Of Lists. Employment lists other than those resulting from a continuous examination shall remain in effect for six months, unless sooner exhausted or abolished by the Personnel Manager upon the recommendation of the General Manager. The General Manager may request the abolition of an employment list after the employment list has been in effect for three months. Employment lists may be extended, prior to their expiration dates, by action of the Personnel Manager for additional periods. Open competitive lists created as the result of continuous examinations shall remain in effect for not more than one year after the last administration of the examination. Names placed on such lists shall be merged with any others already on a list in order of final scores and shall remain on the list for not more than one year.

Section 5.6.3: Removal Of Names From List. The name of any person appearing on an employment or promotional list may be removed by the Personnel Manager if the eligible person requests in writing that his/her name be removed, if he/she fails to respond to a notice of certification mailed to his/her last known address, or for any of the reasons specified in Section 5.4.3, of this Rule. The person affected shall be notified of the removal of his/her name by a notice mailed to his/her last known address. The names of persons on promotional employment lists who resign from the service shall automatically be removed from such lists.

Section 5.7: METHODS OF FILLING VACANCIES.

Section 5.7.1: Types Of Appointments. All vacancies shall be filled by the Personnel Manager from an appropriate employment list. In the absence of persons eligible for appointment from these means, provisional appointments may be made in accordance with the rules, policies and procedures set forth in this Employee Handbook.

Section 5.7.2: Notice To Personnel Manager. Whenever a vacancy is to be filled, the supervisor shall notify the Personnel Manager in the manner prescribed.

Section 5.7.3: Appointment. After interview and investigation, the supervisor shall recommend appointments from among those certified and shall immediately notify the General Manager of the persons recommended. The person recommended for appointment shall present himself/herself to the General Manager, or his/her designated representative, for processing, including any required medical examination, on or before the date of appointment. If the applicant accepts the appointment and presents himself/herself for duty within such period of time as the supervisor and General Manager shall prescribe, he/she shall be deemed to be appointed. Otherwise, he/she shall be deemed to have declined the appointment. The General Manager shall have the right to deny the supervisor's recommendations for hire and request a new recruitment and selection process.

Section 5.7.4: Provisional Appointment. In the absence of there being names of individuals willing to accept appointment pursuant to Rule 5.7.3, a provisional appointment may be recommended by the supervisor, with the concurrence of the General Manager, of a person meeting the minimum training, experience and qualifications for the position. A provisional employee may be removed at any time without the right of appeal. A provisional employee may be employed as such for up to six months. The General Manager may extend the period for any provisional appointment for not more than an additional six month period. (See also Section 4.3.9)

Section 5.8: PROBATIONARY PERIOD.

5.8.1: Objective of Probationary Period. The probationary period shall be regarded as a part of the testing process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to his/her position. An employee who passes probation remains an at-will employee.

Section 5.8.2: Regular Appointment Following Probationary Period. All original and promotional appointments shall be tentative and subject to a probationary period of 12 months of actual service. The Personnel Manager shall notify the supervisor one month prior to the termination of any probationary period. The supervisor shall file with the Personnel Manager a statement in writing to the effect that the retention of such employee with the District is desired or undesired. If an unsatisfactory performance statement is filed, the employee's employment may be immediately terminated.

Section 5.8.3: Rejection Of Probationer. During the probationary period, an employee may be rejected at any time by the supervisor, with the concurrence of the

General Manager, without cause and without the right of appeal. Notification of rejection shall be in writing and shall be served on the probationer, and a copy shall be filed with the Personnel Manager.

Section 5.9: PERFORMANCE EVALUATION. Evaluations of the daily work performance of employees shall be periodically conducted in accordance with procedures and time periods as determined by the Personnel Manager. The purpose of evaluating performance is to provide formal feedback to the employees through written and oral communications, and discussions. Methods for improving employee performance are through interim verbal and written communications, including performance improvement plans, and through the annual evaluation.

Section 5.10: SALARY RANGES. Normally, employees will be hired in the range of steps one through six of the corresponding salary range. Negotiated salary beyond the middle step of the salary range will require the General Manager's approval.

RULE 6 – MEDICAL EXAMINATIONS

Section 6.1: MEDICAL EXAMINATIONS REQUIRED. Medical examinations may be required under the following circumstances:

- A. In order to be eligible for employment with the District.
- B. In order to be eligible for promotion or transfer to a job classification requiring greater physical qualifications than his/her present job classification.
- C. Any employee may be required to undergo a medical examination at any time designated by the Personnel Manager.

Section 6.2: PHYSICIAN. All medical examinations will be performed by a licensed physician approved by the Personnel Manager.

Section 6.3: COST OF EXAM. The District will pay the cost of any medical examination required under this Rule.

RULE 7 – OUTSIDE EMPLOYMENT

Section 7.1: GENERAL PROVISIONS. A District employee shall not engage in any outside employment that is detrimental to, or in conflict with his/her duties or service with the District. An employee must notify the General Manager in writing of any outside employment together with sufficient information regarding such outside employment as may be requested.

A supervisor may inquire as to an employee's off-duty employment when the supervisor believes that such a condition may exist and may require an employee to file notice to the General Manager. The General Manager shall determine if an employment conflict exists and shall notify the employee of his/her decision and reasons therefore in writing.

Examples of work that would be detrimental to or in conflict with duties or service with the District include, but are not limited to, the following:

- A. Work requiring the use of District vehicles or equipment.
- B. Work for a contractor who is performing work in conflict with the District.
- C. Work which would create a work schedule that is incompatible with an assigned District work schedule.
- D. Work which would present a health hazard to the employee.
- E. Work which could create a cause for disciplinary action. (See Rule 14.)
- F. Work which would provide undue liability for the District.

RULE 8 - NEPOTISM

Section 8.1: GENERAL PROVISIONS. There is no bar to relatives of District employees holding positions except where one of the relatives exercises a supervisory or evaluative role in relation to the other relative, or where one relative might be in a position to exert influence on the hiring, promotion, transfer or performance evaluation of another relative.

Section 8.2: EMPLOYMENT OF RELATIVES - ELECTED OFFICIALS. No relative by blood or marriage, within the third degree of kinship, of an elected official of the District shall be appointed to fill any vacancy in the District service during that official's term of office.

RULE 9 – PERSONNEL FILES, REPORTS AND RECORDS

Section 9.1: OFFICIAL RECORDS. The Personnel Manager shall keep all official personnel records necessary for transactions, reference and for making reports showing administrative actions. Such records include, but are not limited to the following: records of employment history of each employee, classification plan, performance evaluation records, compensation plan, files, books and correspondence.

Section 9.2: CHANGE OF STATUS REPORT. Every appointment, transfer, promotion, change of salary rate and other temporary or permanent changes in status of employees must be documented on forms prescribed by the Personnel Manager. The General Manager must approve all personnel transactions.

Section 9.3: PERSONNEL FILE.

Section 9.3.1: Content Of Personnel Files. The Personnel Manager will maintain a file on each employee which will contain all records and documents pertinent to his/her employment status and history.

Section 9.3.2: Access To Personnel Files. The confidential information in personnel files will not be revealed to outside sources except as required by law, or with the written consent of the employee. The Personnel Manager may reveal the following information regarding an employee or ex-employee, in response to outside inquiries:

- A. Employee's name.
- B. Classification title and department.
- C. Status.
- D. Salary Range.
- E. Hire date and/or termination date.

This information is a matter of public record and is available to the public. The employee, his/her immediate supervisor and/or General Manager may inspect the employee's personnel file at any time during the normal working hours of the Personnel Office. Upon request, the employee shall receive a copy of any materials in the personnel file. An employee shall be furnished a copy of any statement written for inclusion in the employee's personnel file concerning the employee's conduct or performance. An employee may prepare material for insertion in his/her personnel file in response or rebuttal to any derogatory material in that file.

An employee's representative, with the written consent of the employee, may also review that employee's file during normal working hours in the Personnel Office.

Section 9.3.3: Notifying District of Changes in Personal Information. Each employee is responsible for promptly notifying the Personnel Manager of any changes in relevant personal information, including:

- Mailing address
- Telephone number
- Persons to contact in emergency
- Number and names of dependents

Section 9.3.4: Reference Checks. All requests from outside the District for reference checks or verification of employment concerning any current or former employee must be referred to the Personnel Manager. Information will be released only if the employee signs an AUTHORIZATION FOR RELEASE OF EMPLOYMENT INFORMATION, except that without such authorization, the following limited information will be provided: dates of employment, and salary upon departure. The General Manager and supervisors shall not provide information in response to requests for

reference checks or verification of employment, unless specifically approved by the Personnel Manager on a case-by-case basis.

Section 9.4: PERFORMANCE EVALUATIONS.

A. PURPOSE

The purpose of evaluating performance is to provide formal feedback to the employees through written and oral communications and discussions. Methods for improving employee performance are through interim verbal and written communications, including performance improvement plans and, through the annual evaluation.

B. PROCEDURES

1. The General Manager and Personnel Manager shall evaluate employee performance annually on all employees in written format.

2. The form may be modified over time, but will be based on the classification responsibilities and cover how well the employee does not meet, meets or exceeds specific duty assignments in the classification covering the following categories:

Points shall be awarded as follows: "Unsatisfactory," one point; "Below average," two points; "Competent," three points; "Above Average," four points; and "Superior," five points.

The 16 rating areas and total possible points in each area are as follows:

Observation of hours	-3 points
Appearance	-3 points
Compliance with Rules and Regulations	-3 points
Safety Practices	-3 points
Attendance	-3 points
Job Knowledge	-5 points
Public Contacts	-5 points
Cooperation and Attitude	-5 points
Rate of Learning	-5 points
Efficiency	-5 points
Effectiveness Under Stress	-5 points
Dependability	-5 points
Innovativeness	-5 points
Self Improvement	-5 points
Initiative	-5 points
Other: Report Writing, Equipment Maint/Care	-5 points

Supervisors will be rated in the following areas in addition to those areas listed above:

Leadership	-5 points
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Productivity	-5 points
Evaluating Subordinates	-5 points
Supervisory Abilities	-5 points
Encourages Suggestions	-5 points

3. All District employees hired after July 1, 2004 are at-will employees. Each employee will be evaluated for suitability in the position on a continual basis. All new District employees shall be given a six-month performance evaluation conducted with the supervisor and reviewed annually thereafter.

4. Employees progressing through their salary step ranges shall normally be evaluated annually. The written performance evaluation shall be used as one of the justifications to recommend step (merit) increases for employees. Step increases are not automatic and must be earned by demonstrating satisfactory or higher performance. Normally, a merit step increase range from 2% to 5% shall be given to employees who, at the minimum, meet standards for satisfactory performance. The General Manager is responsible for final approvals for all District merit increases.

All District employees will receive a salary adjustment equal to the February to February Consumer Price Index (CPI) for the Orange-Los Angeles-Riverside Counties. The salary range adjustment will go into effect on July 1. However, the Board of Directors will have the authority to freeze CPI salary adjustments at anytime.

5. Supervisors may give special evaluations to employees at any time, based on the needs of the District and the employees, identifying corrective actions. The need for such evaluations shall be discussed first with the Personnel Manager or the General Manager.

6. After rating an employee on the written form, the immediate supervisor will meet with the evaluated employee to review the evaluation, giving the employee an opportunity to discuss his/her performance with the supervisor in depth.

7. The Supervisor, employee, Personnel Manager and the General Manager shall sign and comment on each employee evaluation. A final copy of the written evaluation shall be given to the employee for his/her personal files and reference. The Personnel Manager shall maintain all personnel folders, including copies of the written performance evaluations. Employees shall have access to their personnel files upon reasonable notice.

8. Part-time employees may be evaluated annually using the same procedures and may be considered for merit step increases. Employees working part-time in any classification may be considered for merit step increases on an annual basis with the approval of the General Manager.

9. Merit increases will be effective at the beginning of the pay period including the employee's merit review date. Merit increases will be applied retroactively in the event a performance evaluation is not completed within the appropriate pay period.

10. Approved merit increases based on performance evaluations shall be documented on a Personnel Action Form and forwarded to the Accounting Manager for implementation.

RULE 10 - TRAINING

Section 10.1: GENERAL POLICY. It is the policy of the District to encourage and promote training and educational opportunities for all District employees so that the services they render to the District may be made more effective.

Section 10.2: ORIENTATION OF NEW EMPLOYEES. Within a reasonable period of time following initial employment, the Personnel Manager and supervisor shall familiarize a new employee with the employee's obligations and rights, and also inform the employee about the functions and operations of the District. The Personnel Manager shall assist supervisors with the orientation of new employees.

Section 10.3: TIME OF TRAINING PERIODS. Authorized training periods may be conducted either during or after normal working hours. Training sessions conducted during normal working hours shall be arranged so as to minimize interference with scheduled work.

Section 10.4: TYPES OF TRAINING. For the purpose of administration, the following categories of training are recognized.

Section 10.4.1: In-Service Training. Any formal employee training or development program that is sponsored by the District and conducted during an employee's regular hours of work. Such programs are designed and conducted to meet job related needs of District employees.

Section 10.4.2: Out-Service Training. Any formal employee training or development program that is sponsored and conducted by any agency or organization other than the District. Assignment to such a program is for the purpose of meeting the needs of the District, for continuing employee training development, and the upgrading of employee's skills. Conferences and seminars that are conducted primarily for training and educational development purposes are considered out-service training.

Section 10.4.3: Required Out-Service Training. Required out-service training is directly related to improving the employee's performance of present duties and is required by the District.

Section 10.4.4: Career-Related Elective Out-Service Training. Career-related, elective out-service training is related to improving the employee's performance of present or future assignments in the District, and is not required by the District.

Section 10.5: PAYMENT OF TRAINING EXPENSES.

Section 10.5.1: Approval Of Supervisor. No out-service training may be authorized or expenses paid without the prior approval of the supervisor.

Section 10.5.2: Required Out-Service Training. When assigned to required out-service training, the employee receives his/her regular salary and is reimbursed for tuition, travel, meals and lodging.

Section 10.5.3: Career-Related Out-Service Training. When an employee desires to participate in career-oriented out-service training, the supervisor may, within budgetary limits and in accordance with District policies, recommend the payment of regular salary and reimbursement up to \$5,000 a year for tuition. Prior to the commencement of training, approval of the General Manager is required.

Section 10.5.4: Uncompleted Assignment. An employee who does not satisfactorily complete an out-service training or educational assignment according to standards determined by the Personnel Manager is not eligible for reimbursement of tuition expenses and shall return any advance payment received. The employee may also be subject to disciplinary action as provided in the rules, policies and procedures set forth in this Employee Handbook.

The employee or his/her estate will receive reimbursement for tuition expenses if the training assignment is terminated prior to completion either:

- A. At the convenience of the District
- B. Because of death, prolonged illness, disability or other eventuality beyond the control of the employee as determined by the supervisor and approved by the General Manager

RULE 11 – TRANSFER, PROMOTION AND REHIRE

Section 11.1: TRANSFER. No person shall be transferred to a position for which he/she does not possess the minimum qualifications. Upon notice to the General Manager, an employee may be transferred by the supervisor at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same maximum salary and benefits, involves the performance of similar duties, and requires substantially the same basic qualifications.

If the transfer involves a change from one Department to another, both supervisors must consent thereto unless the General Manager directs the transfer for purposes of economy and efficiency.

Section 11.2: PROMOTIONS. Insofar as consistent with the best interests of the District, as determined by the General Manager in consultation with the supervisor, vacancies may be filled by promotion from within after a promotional examination has been given and a promotional list has been established.

If, in the opinion of the General Manager, in consultation with a supervisor, a vacancy in the position could be filled better by an open-competitive examination instead of promotional examination, then the General Manager shall arrange for an open competitive examination and the preparation and certification of an open competitive employment list, as provided in the rules, policies and procedures set forth in this Employee Handbook.

Section 11.3: REHIRE. A supervisor, with the approval of the General Manager, may rehire a regular or probationary employee who has completed at least six months of probationary service and who has resigned with a good record, to a vacant position in the same or comparable classification from which the employee resigned. Upon rehire, the employee shall be subject to the probationary period prescribed for the class. No credit for former employment shall be granted in computing salary, vacation, sick leave or other benefits. If an employee has previously resigned twice from regular positions the employee may not be considered for rehire. (See Rule 12.3.)

RULE 12 – SEPARATION FROM SERVICE

Section 12.1: DISCHARGE. An employee may be recommended for discharge at any time by a supervisor or by the General Manager as provided for in Rule 13. Whenever it is the recommendation of a supervisor to discharge an employee, the approval of the General Manager is required.

Section 12.1.1: DISCHARGE PROCEDURE.

A. For employees who are retiring, resigning, being discharged, or laid off, the General Manager or Personnel Manager shall show the last day worked as the termination date on the Personnel Action Form which is also the last day physically on the job. Employees cannot extend their termination date by use of any leave time (i.e. vacation leave).

B. The Personnel Manager must submit the employee's final Personnel Action Form and employee's time sheet to the General Manager in a timely manner for approval for all terminating employees.

C. The General Manager will provide terminating full-time employees the opportunity to participate in an exit interview. The Personnel Manager shall inform eligible individuals about continuing benefits for which they are eligible.

D. Terminating employees shall turn in to the Personnel Manager all District property such as the Employee Handbook, keys, uniforms, identification cards, parking tags and cell phone.

E. The Accounting Manager shall authorize processing of the final paycheck when all personnel actions and forms are submitted. The final paycheck will not be made by direct deposit and will be forwarded to the General Manager for distribution to the terminated employee. Terminating employees will receive their final paycheck on the next regularly scheduled paycheck date. The District is exempt from California Labor Code Section 201, which states wages earned and unpaid are due and payable immediately to a discharged employee.

Section 12.2: LAYOFF.

A. POLICY.

The District may abolish a position within a class in the classified service because of material changes in duties or organization, elimination or reduction in service level, privatization and/or a shortage of work or funds, which in turn may require the layoff of one or more employees.

B. PROCEDURE.

1. When a position within a class is abolished thereby necessitating a layoff, the following procedure shall be followed:

a. Reductions in the workforce shall be made by the Board of Directors.

b. The General Manager shall notify employees of the intended action with reasons therefor 30 calendar days before the effective date of the layoff.

c. Reassignment or voluntary demotion within the District to an equivalent or lower job class may be made to prevent a layoff provided the employee is qualified by education and/or experience, is capable of performing the duties of the classification and has satisfactory performance evaluations for the preceding two years. An employee who is reassigned or demoted shall be placed on the salary step within the new classification range closest to the rate of pay the employee previously received and retain the same anniversary date for purposes of merit pay increases. An employee so reassigned or demoted shall be reinstated to the former job class and salary step status when positions in the former job class become vacant and provided that the employee has performed

satisfactorily in the current position. Reinstatement shall be based on the employee that has the highest performance evaluation scores for the last two years. If two or more employees have the same performance evaluation score, the reinstatement shall be based on seniority.

e. The name of an employee who has been laid off due to the reduction in the workforce shall be placed on the reemployment list for his/her job class. The reemployment list shall be used whenever a vacancy for that class is to be filled. Names will remain on the appropriate reemployment list for a period of three years from the date of separation. Reemployment shall be on the basis of previous District seniority. After separation from the District employment for more than one year, a person rehired may be required to successfully pass a physical and/or competency examination.

f. Whenever an employee is reemployed to a vacant position in his/her former job class, he/she shall be given a new anniversary date for purposes of merit pay increases and performance reviews.

g. An employee rehired from the reemployment list shall be considered to have continuous service and may be credited with the amount of accumulated vacation and sick leave he/she had accrued at the time of layoff if he/she elects to remit to the District any payment received for the accumulated vacation and sick leave upon separation from District employment.

h. Failure to return to work from layoff within 21 calendar days after notice to return by certified or registered mail to the employee at his/her last known address on file shall constitute the employee's waiver of any right to return to work and eliminates any future reemployment responsibilities placed on the District.

i. All other benefits or programs in effect at the time of layoff shall be forfeited upon reemployment unless they are still applied to the old classification at the time of rehire or provided to new hires as of that date.

Section 12.2.1: General Policy. An employee may be laid off because of either the abolition of his/her position or a determination by the District that there is a shortage of work or funds. The General Manager shall determine when and in what position classifications layoffs are to occur. The Personnel Manager shall be responsible for the implementation of a layoff order of the General Manager in accordance with the procedures described herein.

Section 12.2.2: Notice of Layoff To Employees. An employee to be laid off shall be notified in writing of the impending action at least 10 calendar days in advance of the

effective date of the layoff, or in accordance with the appropriate salary and benefit plan. The notice shall include the following information:

- A. Reason for layoff.
- B. Effective date of layoff.
- C. Employee rights as provided in these rules.

Section 12.2.3: Removal Of Names From Reinstatement Lists. The Personnel Manager may remove an employee's name from a reinstatement list if any of the following occur:

- A. The individual indicates in writing that he/she will be unable to return to employment with the City during the life of the list.
- B. The individual cannot be reached by certified mail after reasonable efforts have been made to do so.
- C. The individual refuses two reinstatement offers as confirmed by certified mail. It is the employee's responsibility to keep the Personnel Manager advised of any changes in mailing address or availability.

Section 12.2.4: Employee Rights And Responsibilities. In addition to others identified herein, employees affected by these procedures shall have the following rights:

- A. Through prior arrangement with his/her immediate supervisor, an employee may use accrued vacation leave time to seek and apply for other employment.
- B. An employee who has been laid off shall be paid as provided for in the rules, policies and procedures set forth in this Employee Handbook for his/her unused accrued vacation leave on the effective date of the layoff.
- C. An employee who has been laid off may be allowed to continue health insurance coverage in the group at his/her own cost as provided under federal COBRA regulations. This provision of health insurance will cease if the employee finds other employment. To have this coverage the employee must notify the Personnel Manager in writing within 10 days after the receipt of the notification of layoff.
- D. When an individual is reinstated he/she shall be entitled to:
 - 1. Accrue vacation leave at the same rate at which it was accrued at the time of the layoff.
 - 2. Have any unused or uncompensated sick leave reinstated.

An individual reinstated into the job classification from which he/she was laid off shall be assigned to the same salary range and step he/she held at the time of the layoff. An individual reinstated into a job classification other than the classification from which he/she was laid off shall be assigned to the salary range of the new classification at the amount closest to the salary he/she earned at the time of the layoff. An individual reinstated into the classification from which he/she was laid off while still a probationary employee shall complete, upon return to the job, the remaining portion of his/her probationary period, if any, in effect at the time of the layoff. In addition, he/she shall complete one month of probation for each month laid off, not to exceed a total probationary period of 12 months. Similarly, an individual who is reinstated shall complete, upon return to the job, the same work time he/she would have had to work at the time of the layoff to attain a higher vacation leave accrual rate or to become eligible for a salary step increase, if such changes are possible. An individual who is rehired is not eligible for the provisions of this subsection (13.2.4D) of this Rule.

Section 12.2.5: Appeals. An employee aggrieved by actions taken or interpretations made pursuant to the procedures described in this Rule may exercise the appeal procedures as hereinafter provided in Rule 14. Determinations by the General Manager relative to when and in what classification layoffs are to occur shall not be matters subject to the appeal procedures.

Section 12.3: RESIGNATION. An employee wishing to leave District employment in good standing shall file with the supervisor a written resignation stating the effective date at least two weeks before leaving, unless such time limit is waived by the General Manager. The resignation becomes final upon acceptance by the General Manager. Once the resignation is accepted by the General Manager, it may not be withdrawn. The District will pay an employee for all hours worked within 72 hours after termination and all accumulated reimbursable benefits no later than the nearest payday following termination of the employee. Failure to give notice as required by this Section may be cause for denying future employment by the District. Per the discretion of the General Manager, an employee who resigns from employment with the District from two regular positions may not be considered for a third position with the District.

RULE 13 – CONDUCT AND DISCIPLINE

Section 13.1: EMPLOYEE CONDUCT GENERALLY. It is expected that all District employees shall render the best possible service and reflect credit on the District. Therefore high standards of conduct are essential.

Section 13.2: IMPROPER EMPLOYEE CONDUCT. The term "improper conduct" means not only any improper action by an employee in the employee's official capacity, but also conduct by an employee not connected with the employee's official duties which brings discredit to the District, which affects the ability to perform the employee's duties officially, or any improper use of the position as an employee for personal

advantage. Improper conduct may be cause for disciplinary action. In addition, improper conduct includes, but is not limited to, the following:

A. Fraud in securing employment or making a materially false statement on an application for employment or on any supporting documents furnished with or made a part of any application.

B. Incompetency such as failure to comply with the minimum standards for an employee's position for a significant period of time.

C. Neglect of duty, such as failure to perform the duties required of an employee's position.

D. Willful disobedience and insubordination such as a willful failure to submit to duly appointed and acting supervision or to conform to duly established orders or directions of persons in a supervisory position.

E. Dishonesty involving employment.

F. Being under the influence of alcohol or intoxicating drugs while on duty without a prescription.

G. Addiction to or habitual use of alcoholic beverages, narcotics or any habit-forming drug.

H. Violation of the District's Drug and Alcohol Abuse and Contraband Policy.

I. Violation of the District's Harassment Policy.

J. Violation of the District's Workplace Violence Prevention Policy.

K. Carrying firearms or other dangerous weapons on District premises, unless authorized to do so.

L. Inexcusable absence.

M. Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section.

N. Discourteous treatment of the public or other employees.

O. Improper or unauthorized use of District property.

P. Theft.

Q. Any act of conduct undertaken which, either during or outside of duty hours, is of such a nature that it causes discredit to fall upon the District.

R. Failure to maintain proper conduct during working hours causing discredit to the District.

S. Mishandling of public funds.

T. Abuse of sick leave.

U. Excessive absenteeism.

V. Inattention to duty, tardiness, indolence, carelessness or negligence in the care and handling of District property.

W. The employee's failure to resolve a physical or mental infirmity(s) or defect(s), when it is within the capacity of the employee to do so and when directed by his/her supervisor.

X. Outside employment which conflicts with the employee's position and is not specifically authorized by the Personnel Manager.

Y. Acceptance from any source of any emolument, reward, gift or other form of remuneration in addition to the employee's regular compensation, as a personal benefit to the employee for actions performed in the normal course of the employee's assigned duties.

Z. Falsification of any District report or record, or of any report or record required to be, or, filed by the employee, including but not limited to time records.

AA. Violation of any of the provisions of this Employee Handbook, District Operations Code, ordinances, resolutions, or any rules, regulations or policies which may be prescribed by the Costa Mesa Sanitary District Board of Directors, General Manager, or supervisor.

BB. Working overtime without prior authorization.

CC. Political activities precluded by Local, State or Federal law.

DD. Other acts which are incompatible with service to the public.

RULE 14 – GRIEVANCE PROCEDURE

Section 14.1: PURPOSE. The purpose of the Grievance Procedure is to:

A. Afford employees a systematic means of obtaining consideration of concerns or problems.

B. Provide that grievances are settled as near as possible to the point of origin.

C. Provide that appeals are conducted as informally as possible.

Section 14.2: MATTERS SUBJECT TO GRIEVANCE. Any alleged violation of the rules, policies and procedures set forth in this Employee Handbook, any alleged improper treatment of an employee, and any decision affecting an employee's employment may be considered to be a matter subject to review through the grievance procedure.

Section 14.3: MATTERS NOT SUBJECT TO GRIEVANCE. Employees may initiate a grievance and at the first or subsequent steps in the grievance procedure a decision may be made that the matter involved is not subject to grievance. Such matters may include, but are not limited to, merit increases, compensation, work methods, equipment, hours of work, services provided, staffing levels, allocation to classifications, and changes in the content of employee performance evaluations, verbal or written reprimands or counseling memos.

Section 14.4: GRIEVANCE PROCEDURE.

Step One

An attempt must be made to resolve all grievances on an informal basis between the employee and the immediate supervisor. It is the responsibility of the employee to initiate this process within seven calendar days of the date when the aggrieved action or incident became known to the employee.

Step Two

If the grievance is not satisfactorily resolved on an informal basis, the employee shall submit the grievance in writing to the employee's immediate supervisor within 15 calendar days after the informal decision of the immediate supervisor. The supervisor must deliver his/her answer in writing to the employee within 15 calendar days after receiving the appeal.

Step Three

If the grievance is not satisfactorily resolved at the second step, the employee shall present his/her appeal to his/her supervisor's immediate supervisor within 15 calendar days after receipt of the written decision of his/her supervisor. The supervisor receiving the appeal shall render a decision, in writing, and return it to the employee within 15 calendar days after receiving the appeal.

Step Four

If the grievance is not satisfactorily resolved at the third step, the employee shall submit the grievance in writing to the General Manager within 15 calendar days after the decision of the employee's immediate supervisor is received. The General Manager shall render a decision in writing to the employee within 20 calendar days after receiving the appeal.

Section 14.5: CONDUCT OF GRIEVANCE PROCEDURE.

Section 14.5.1: Time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned.

Section 14.5.2: Employee must be assured freedom from reprisal for using the grievance procedure.

RULE 15 – HARASSMENT POLICY

Section 15.1: PURPOSE. This harassment policy establishes a strong commitment to prohibit harassment in employment, to define discrimination and to set forth a procedure for investigation and resolving internal complaints of harassment.

Section 15.2: DEFINITION. Disciplinary action up to and including termination will be instituted for behavior described in the definition of harassment set forth below. Harassment includes, but is not limited to:

A. Verbal Harassment: For example, epithets, derogatory comments or slurs based on race, religious creed, color, national origin, ancestry, handicap, disability, medical condition, marital status, sex or age. This might include inappropriate sex oriented comments on appearance including dress or physical features or race oriented stories.

B. Physical Harassment: For example, assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, handicap, disability, medical condition, marital status, sex or age. This could be conduct in the form of pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

C. Visual Forms of Harassment: For example, derogatory posters, notices, bulletins, cartoons, or drawings based on race, religious creed, color, national origin, ancestry, handicap, disability, medical condition, marital status, sex or age.

D. Sexual Favors: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is conditioned upon an employment benefit, unreasonably interferes with an individual's work performance or creates an offensive work environment.

Section 15.3: POLICY.

A. The District has a zero tolerance for any conduct that violates this Policy. Conduct need not rise to the level of a violation of law in order to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. If an employee is in doubt as to whether or not a particular conduct may violate this Policy, he/she is not engage in the conduct, and must seek

guidance from a supervisor or the Personnel Manager. The District is committed to providing a work environment free of unlawful discrimination and harassment and to discrimination-free hiring practices. The District's anti-discrimination policy will consist of the following provisions:

1. Prohibit discriminatory conduct.
2. Require the prompt reporting and investigation of alleged discriminatory conduct.
3. Imposing strong sanctions against individuals who violate the policy.
4. Prohibiting retaliation against those who report or assist in the investigation of discriminatory conduct as set forth in this policy.
5. Advising persons who believe they have been the subject of discriminatory conduct of their rights under this policy as well as state and federal discrimination laws.

B. Discrimination Prohibited: The District will enforce its discrimination policy by requiring the following of all District employees and officials:

1. All decisions regarding recruitment, hiring, promotions, assignments, training, or any other term or condition of employment will NOT be based on an individual's race, religious creed, color, national origin, ancestry, handicap, medical condition, marital status, sexual orientation, sex or age.
2. Prohibiting discrimination or harassment against any person on the basis of race, religious creed, color, national origin, ancestry, handicap, disability, medical condition, marital status, genetic information, sexual orientation, sex [including gender identity and gender expression] or age.
3. Prohibiting any District employee or official from sexually harassing any applicant or employee.
4. Prohibiting the aiding, abetting, or encouraging harassment or discrimination on the basis of race, religious creed, color, national origin, ancestry, handicap, disability, medical condition, genetic information, marital status, sex [including gender identity and gender expression] or age.
5. Prohibiting any retaliation or discrimination against any individual because that individual has:
 - a. Opposed any unlawful practice.
 - b. Reported any act of discrimination in accordance with this policy or the California Fair Employment and Housing Act.

c. Cooperated with the District or a local or state or federal agency with authority to resolve such a complaint of discrimination in the investigation of that complaint.

d. Filed or assisted in the filing of a discrimination complaint with the District or a local or state or federal agency with appropriate jurisdiction to resolve such a complaint.

C. Enforcement Responsibility: All District supervisory employees are responsible for ensuring all employees under their direction or control comply with this policy. Each supervisor will be responsible for monitoring the activities of all employees under his/her supervision with the potential to lead to a violation of this policy and, after consultation with the General Manager or Personnel Manager, will take appropriate corrective action. Corrective action may include counseling and/or other disciplinary action, including possible termination.

Section 15.4: PROCEDURE.

A. Complaint Procedure: An employee or job applicant who believes he/she has been harassed may make a written or oral complaint to any of the following:

1. Immediate supervisor
2. Personnel Manager
3. General Manager

B. Upon notification of a harassment complaint, the General Manager, after consultation with the Personnel Manager, shall:

1. Authorize the investigation of the complaint and supervise and/or investigate the complaint. The investigation will include interviews with:

- a. The complainant,
- b. The accused harasser, and
- c. Any other persons believed to have relevant knowledge concerning the complaint.

2. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment with all circumstances considered, including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incidents occurred.

3. Report the results of the investigation and the determination as to whether harassment occurred to appropriate persons, including to the

complainant, the alleged harasser and the supervisor. If discipline is imposed, the discipline will not be communicated to the complainant.

4. If the harassment occurred, take effective remedial action against the harasser. The action will be commensurate with the severity of the offense.

5. Take reasonable steps to protect the victim from further harassment and any retaliation as a result of communicating the complaint.

C. Dissemination Policy: This policy shall be posted in appropriate visible locations.

D. The District takes a proactive approach to potential Policy violations and will conduct an investigation if its officers, supervisors, or managers become aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

E. Option to Report to Outside Administrative Agencies: An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the telephone book or employees can check the posters that are located on employer bulletin boards for office locations and telephone numbers.

F. Confidentiality: Every possible effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor or the Personnel Manager. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction. The District will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

G. Responsibilities: Manager and Supervisors are responsible for:

1. Informing employees of this Policy.
2. Modeling appropriate behavior.
3. Taking all steps necessary to prevent harassment, discrimination, or retaliation from occurring.
4. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.

5. Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
6. Following up with those who complained to ensure that the behavior has stopped and that there are no reprisals.
7. Informing those who complain of harassment or discrimination of his or her option to contact EEOC or DFEH regarding alleged Policy violations.
8. Assisting, advising, or consulting with employees and the Personnel Manager regarding this Policy and Complaint Procedure.
9. Assisting in the investigation of complaints involving employee(s) in their departments and, if the complaints substantiated, recommending appropriate corrective or disciplinary action in accordance with this Employee Handbook, up to and including termination.
10. Implementing appropriate disciplinary and remedial actions.
11. Reporting potential violations of this Policy of which he or she becomes aware, regardless of whether a complaint has been submitted, to the Personnel Manager or General Manager.
12. Participating in periodic training and scheduling employees for training.

Each employee or contractor is responsible for:

1. Treating all employees and contractors with respect and consideration
2. Modeling appropriate behavior.
3. Participating in periodic training.

Section 15.5: VIOLATION OF POLICY. VIOLATION OF THIS HARASSMENT POLICY GENERALLY SHALL CONSTITUTE JUST AND REASONABLE CAUSE FOR DISCIPLINE, UP TO AND INCLUDING TERMINATION.

RULE 16 – ZERO TOLERANCE INCIVILITY AND BULLYING POLICY

Section 16.1: POLICY. The District has a zero tolerance policy for incivility and bullying in the workplace. Understanding and mutual respect toward all individuals are essential elements to the existence of a safe and healthy workplace. Any employee

who commits an act of incivility or bullying is subject to disciplinary action up to and including termination. This policy applies to all District personnel.

Section 16.2: INCIVILITY.

A. Uncivil office behavior includes acting in a characteristically rude and discourteous manner and, displaying a lack of regard for others. Examples include: taking someone else's food or beverage, purposely not greeting or acknowledging someone at the office, taking the last cup of coffee and not making more, and not giving credit to a colleague on a project. When incivility is extensive it leads to lower job satisfaction, decrease in performance, higher absenteeism, and low morale.

B. Preventive/Response Measure: Treat other workers the way you would like to be treated, extend common courtesies, maintain appropriate boundaries, and ask for assistance from management or human resources when needed.

Section 16.3: BULLYING.

A. Workplace bullying is behavior that harms, intimidates, offends, degrades, or humiliates an employee, possibly in front of other employees, clients, or customers. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale, and create legal risks. Examples of bullying include: spreading rumors, gossip and innuendo, intimidating a person, undermining or deliberately impeding a person's work, physically abusing or threatening abuse, removing areas of responsibilities without cause, withholding necessary information, making jokes that are obviously offensive, intruding on a person's privacy by pestering/spying/stalking, under work-creating a feeling of uselessness, yelling or using profanity, criticizing a person consistently or constantly, belittling a person's opinion, unwarranted punishment, blocking applications for training/leave/ promotion, tampering with a person's personal belongings. If in doubt if an action could be bullying, ask yourself if a reasonable person would consider the action acceptable.

B. Preventive/Response Measure: Report bullying to your supervisor or Personnel Manager. An informal investigation will be conducted. In the event the informal stage is not sufficient, or the offense is of a serious nature, a formal investigation will be conducted. Any reports of workplace bullying will be treated seriously and investigated promptly. Managers and supervisors must ensure employees who make complaints, or witnesses are not victimized.

Section 16.4: TRAINING. In order to eliminate and/or minimize risks involved with incivility and bullying, the Personnel Manager is responsible for scheduling training for employees. Staff is responsible for implementing the training. Managers and Supervisors are responsible for enforcing the policy.

RULE 17 – WORKPLACE VIOLENCE PREVENTION POLICY

Section 17.1: PURPOSE. The purpose of this policy is to maintain a zero tolerance standard of violence in the workplace. This policy provides District employees with guidance that will maintain an environment at and within District premises and facilities as well as events that are free of violence and the threat of violence. This policy applies to all full-time and part-time employees and includes volunteers, temporary and provisional employees as well as contracted employees.

Section 17.2: POLICY. The District prohibits violent behavior of any kind or threats of violence, either implied or direct, in District premises and facilities as well as at District sponsored events. Such conduct by a District employee will not be tolerated. An employee who exhibits violent behavior may be subject to criminal prosecution and shall be subject to disciplinary action up to and including termination. Violent threats or actions by a non-employee may result in criminal prosecution. The District will investigate all complaints filed and will also investigate any possible violation of this policy of which District management are made aware. Retaliation against a person who makes a good faith complaint regarding violent behavior or threats of violence made to him/her is also prohibited.

Section 17.3: DEFINITIONS.

A. Workplace Violence: Behavior in which an employee, former employee or visitor to a workplace inflicts or threatens to inflict damage to property, serious harm, injury or death to others at the workplace.

B. Threat: The implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety or property.

C. District premises or District facilities means all property of the District including, but not limited to the offices, facilities and surrounding areas on District-owned or -leased property, parking lots, and storage areas. The term also includes District-owned or -leased vehicles and equipment wherever located, as well as, pump station, sites, sewer line, excavation sites.

D. Intimidation: Making others afraid or fearful through threatening behavior.

E. Zero-tolerance: A standard that establishes that any behavior, implied or actual that violates the policy will not be tolerated.

F. Court Order: An order by a Court that specifies and/or restricts the behavior of an individual. Court orders may be issued in matters involving domestic violence, stalking or harassment, among other types of protective orders, including Temporary Restraining Orders.

Section 17.4: PROHIBITED BEHAVIOR.

A. Violence in the workplace may include, but is not limited to the following list of prohibited behaviors directed at or by a co-worker, supervisor or member of the public:

1. Direct threats or physical intimidation.
2. Implications or suggestions of violence.
3. Stalking including following to and from work.
4. Possession of weapons of any kind on District premises, including parking lots, other exterior premises or while engaged in activities for District in other locations, or at District sponsored events.
5. Assault of any form.
6. Physical restraint or confinement.
7. Dangerous or threatening horseplay.
8. Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment.
9. Blatant or intentional disregard for the safety or well-being of others.
10. Commission of a violent felony or misdemeanor on District premises.
11. Any other act that a reasonable person would perceive as constituting a threat of violence.

B. Domestic violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as co-workers. For the purposes of this document, "domestic violence" is defined as abuse committed against an adult or fully emancipated minor. Abuse is the intentional or reckless attempt to cause bodily injury, sexual assault, threatening behavior, harassment, or stalking, or making annoying phone calls to a person who is in any of the following relationships:

1. Spouse or former spouse;
2. Domestic partner or former domestic partner;
3. Cohabitant or former cohabitant and or other household members;

4. A person with whom the victim is having, or has had, a dating or engagement relationship;

5. A person with whom the victim has a child.

6. The District recognizes that domestic violence may occur in relationships regardless of the marital status, age, race, or sexual orientation of the parties.

C. REPORTING ACTS OR THREATS OF VIOLENCE.

An employee who:

1. is the victim of violence, or

2. believes they have been threatened with violence, or

3. witnesses an act or threat of violence towards anyone else shall take the following steps:

a. If an emergency exists and the situation is one of immediate danger, the employee shall contact the Costa Mesa Police Department by dialing 9-1-1, or push the emergency button located underneath the front counter and may take whatever emergency steps are available and appropriate to protect himself/herself from immediate harm, such as leaving the area.

b. If the situation is not one of immediate danger, the employee shall report the incident to the appropriate supervisor or manager as soon as possible and complete the District's Workplace Violence Incident Report Form.

D. PROCEDURES FOR FUTURE VIOLENCE.

1. Employees who have reason to believe they, or others, may be victimized by a violent act sometime in the future, at the workplace or as a direct result of their employment with the District, shall inform their supervisor by immediately completing a Workplace Violence Incident Report Form so appropriate action may be taken. The supervisor shall inform the General Manager and the local law enforcement officials.

2. Employees who have signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by coming near them at work, shall immediately supply a copy of the signed order to their supervisor. The supervisor shall provide copies to the General Manager and to the Costa Mesa Police Department.

E. INCIDENT INVESTIGATION.

1. Acts of violence or threats will be investigated immediately in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. The General Manager will cause to be initiated an investigation into potential violation of work rules/policies. Simultaneously, the General Manager will refer the matter to local police for their review of potential violation of civil and/or criminal law.

2. Procedures for investigating incidents of workplace violence include:

- a. Visiting the scene of an incident as soon as possible.
- b. Interviewing injured and threatened employees and witnesses.
- c. Examining the workplace for security risk factors associated with the incident, including any reports of inappropriate behavior by the perpetrator.
- d. Determining the cause of the incident.
- e. Taking mitigating action to prevent the incident from recurring.
- f. Recording the findings and mitigating actions taken.

3. In appropriate circumstances, the District will inform the reporting individual of the results of the investigation. To the extent possible, the District will maintain the confidentiality of the reporting employee and the investigation but may need to disclose results in appropriate circumstances; for example, in order to protect individual safety. The District will not tolerate retaliation against any employee who reports workplace violence.

F. MITIGATING MEASURES.

Incidents which threaten the security of employees shall be mitigated as soon as possible following their discovery. Mitigating actions include:

1. Notification of law enforcement authorities when a potential criminal act has occurred.
2. Provision of emergency medical care in the event of any violent act upon an employee.
3. Post-event trauma counseling for those employees desiring such assistance.

4. Assurance that incidents are handled in accordance with the Workplace Violence Prevention policy.

5. Requesting District Counsel file a restraining order as appropriate.

G. TRAINING AND INSTRUCTION.

1. The District shall be responsible for ensuring that all employees, including managers and supervisors, are provided training and instruction on general workplace security practices. Managers and supervisors shall be responsible for ensuring that all employees are provided training and instructions on job specific workplace security practices.

2. Training and instruction shall be provided as follows:

a. To all current employees when the policy is first implemented. Employees will be required to sign a written acknowledgment that the policy has been received and read.

b. To all newly hired employees, supervisors and managers, or employees given new job assignments for which specific workplace security training for that job assignment has not previously been provided. Employees will be required to sign a written acknowledgment that the policy has been received and read.

c. To affected employees whenever management is made aware of a new or previously unrecognized hazard.

3. Workplace security training and instruction includes, but is not limited to, the following:

a. Preventive measures to reduce the threat of workplace violence, including procedures for reporting workplace security hazards.

b. Methods to diffuse hostile or threatening situations.

c. Escape routes.

d. Explanation of this Workplace Violence Prevention Policy.

In addition, specific instructions shall be provided to all employees regarding workplace security hazards unique to their job assignment.

RULE 18 – DRUG AND ALCOHOL ABUSE AND CONTRABAND POLICY

Section 18.1: PURPOSE. The purpose of this policy is to outline the goals and objectives of the District's drug and alcohol testing program and provide guidance to

supervisors and employees concerning their responsibilities for carrying out the program. This policy applies to all full-time and part-time employees and includes volunteers, temporary and provisional employees as well as contracted employees.

Section 18.2: POLICY.

A. The District has a vital interest in maintaining a safe, healthy, and efficient working environment. Being under the influence of a drug or alcohol on the job poses serious safety and health risks to the user and to all those who work with the user. The use, sale, purchase, transfer or possession of an illegal drug in the workplace, and being under the influence of alcohol poses unacceptable risks for safe, healthy, and efficient operations.

B. The District has the right and obligation to maintain a safe, healthy and efficient workplace for all of its employees, and to protect the organization's property, information, equipment, operations and reputation, as well as protecting the public.

C. The District recognizes its obligations to the public for the provision of services that are free of the influence of illegal drugs and alcohol, and will endeavor through this policy to provide drug-and alcohol-free services.

D. The District further expresses its intent through this policy to comply with federal and state rules, regulations or laws that relate to the maintenance of a workplace free from illegal drugs and alcohol.

E. As a condition of employment, all employees are required to abide by the terms of this policy and to notify District management of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

F. The District has a heightened interest in safety concerns with heavy equipment operators and others who operate potentially dangerous equipment that justifies special provisions relating to those employees.

Section 18.3: DEFINITIONS.

A. Alcohol means any beverage that contains ethyl alcohol (ethanol), including but not limited to beer, wine and distilled spirits.

B. Contraband means any article, the possession of which on District premises or while on District business, that causes an employee to be in violation of the policies in this Handbook, any other District rules or regulations or state and/or federal law. Contraband includes illegal drugs, drug paraphernalia, lethal weapons, firearms, explosives, incendiaries and stolen property.

C. District premises or District facilities means all property of the District including, but not limited to the offices, facilities and surrounding areas on District-owned or -leased property, pump stations, sewer line easement areas, parking lots and

storage areas. The term also includes District-owned or -leased vehicles and equipment wherever located.

D. Drug testing means the scientific analysis of urine, blood, breath, saliva, hair, tissue and other specimens of the human body for the purpose of detecting a drug or alcohol.

E. Illegal drug means any drug which is not legally obtainable; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the-counter drug being used at a dosage level other than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples of illegal drugs are cannabis substances, such as marijuana and hashish, cocaine, heroin, methamphetamine, phencyclidine (PCP), and so-called designer drugs and look-alike drugs.

F. Legal drug means any prescribed drug or over-the-counter drug that has been legally obtained and is being used for the purpose for which prescribed or manufactured.

G. Reasonable suspicion means a belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is unable to satisfactorily perform his or her job duties due to drug or alcohol impairment. Such inability to perform may include, but is not be limited to, decreases in the quality or quantity of the employee's productivity, judgment, reasoning, concentration and psychomotor control, and marked changes in behavior. Accidents, deviations from safe working practices and erratic conduct indicative of impairment are examples of "reasonable suspicion" situations.

H. Under the influence means a condition in which a person is affected by a drug or by alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, or to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of being under the influence can be established by a professional opinion, a scientifically valid test, such as urinalysis or blood analysis, and in some cases by the opinion of a layperson.

Section 18.4: EDUCATION.

A. Supervisors and other management personnel are to be trained in:

1. Detecting the signs and behavior of employees who may be using drugs or alcohol in violation of this policy;
2. Intervening in situations that may involve violations of this policy;
3. Recognizing the above activities as a direct job responsibility.

B. Employees are to be informed of:

1. The health and safety dangers associated with drug and alcohol abuse;
2. The provisions of this policy.

Section 18.5: PROHIBITED ACTIVITIES.

A. LEGAL DRUGS.

1. The undisclosed use of any legal drug, which could interfere with the safe and efficient performance of duties or operation of District equipment, by any employee while performing District business or while on District premises is prohibited. However, an employee may continue to work even though using a legal drug if District management has determined, after consulting with General Manager, that such use does not pose a threat to safety and that the using employee's job performance is not significantly affected. Otherwise, the employee may be required to take leave of absence or comply with other appropriate action as determined by District management.

2. An employee whose medical therapy requires the use of a legal drug, which could interfere with the safe and efficient performance of duties or operation of District equipment, must report such use to his or her supervisor prior to the performance of District business. The supervisor who is so informed will contact the General Manager.

3. The District at all times reserves the right to judge the effect that a legal drug may have on job performance and to restrict the using employee's work activity or presence at the workplace accordingly. If there is a question regarding an employee's ability to perform assigned duties safely and effectively while using legal drugs, the District may require medical clearance.

B. ILLEGAL DRUGS AND ALCOHOL.

1. The use, sale, purchase, transfer or possession of an illegal drug by any employee while on District premises or while performing District business is prohibited.

2. The use, sale or purchase of alcohol by any employee while on District premises or while performing District business is prohibited.

Section 18.6: DISCIPLINE.

A. Any employee who possesses, distributes, sells, attempts to sell or transfers illegal drugs on District premises or while on District business will be terminated immediately.

B. Any employee who is found to be under the influence of alcohol in violation of this policy will be subject to discipline up to and including termination.

C. Any employee who is found to be in possession of contraband in violation of this policy will be subject to discipline up to and including termination.

D. Any employee who is found through drug or alcohol testing to have in his or her body a detectable amount of an illegal drug or of alcohol will be subject to discipline up to and including termination.

E. Any employee who knows or has reasonable suspicion that another employee is using, selling, under the influence or otherwise in violation of this policy shall have a duty to report that suspicion to the General Manager. Failure to report such suspicion may result in discipline up to and including termination.

Section 18.7: DRUG AND ALCOHOL TESTING OF CERTAIN JOB APPLICANTS.

A. All applicants for employment whose job duties will involve the use of heavy equipment or potentially dangerous equipment, including applicants for part-time and volunteer positions are subject to drug and alcohol testing after a conditional offer of employment is made by the District.

B. Such an applicant must pass the drug test to be considered for employment.

C. An applicant will be notified of the District's drug and alcohol testing policy prior to being tested; will be informed in writing of his or her right to refuse to undergo such testing; and will be informed that the consequence of refusal is termination of the pre-employment process.

D. An applicant will be provided written notice of this policy and by signature will be required to acknowledge receipt and understanding of the policy.

E. If an applicant refuses to take a drug or alcohol test, or if evidence of the use of illegal drugs by an applicant is discovered, either through testing or other means, the pre-employment process will be terminated.

Section 18.8: DRUG AND ALCOHOL TESTING OF EMPLOYEES BASED ON REASONABLE SUSPICION.

A. The District will notify employees of this policy by:

1. Providing to each employee a copy of the policy, and obtaining a written acknowledgment from each employee that the policy has been received and read.

2. Announcing the policy in various written communications and making presentations at employee meetings.

B. The District may perform drug or alcohol testing:

1. of any employee who manifests “reasonable suspicion” behavior;
2. of any employee who is involved in an accident that results or could result in the filing of a Workers’ Compensation claim; or
3. of any employee who is subject to drug or alcohol testing pursuant to federal or state rules, regulations or laws.

C. An employee’s consent to submit to drug or alcohol testing when reasonable suspicion exists is required as a condition of employment and the employee’s refusal to consent may result in disciplinary action, including discharge, for a first refusal or any subsequent refusal.

D. An employee who is tested in a “reasonable suspicion” situation may be placed on administrative leave pending receipt of written tests results and whatever inquiries may be required.

Section 18.9: RANDOM TESTING OF CERTAIN EMPLOYEES. The District has determined that certain positions, including those that operate heavy equipment or potentially dangerous equipment, are subject to random testing. The reasons and positions shall be established by separate list and may change from time to time as job duties change. The General Manager shall have the authority to make changes to the list.

Section 18.10: TESTING PROCEDURES. The District shall select a competent medical facility to conduct drug and alcohol testing. Chain of custody will be maintained, and the procedures shall generally be along the following lines:

A. ALCOHOL TESTING.

1. Alcohol testing will be conducted by using an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration. Non-EBT devices may be used for initial screening tests.
2. A screening test will be conducted first. If the result is an alcohol concentration level of less than 0.02, the test is considered a negative test. If the alcohol concentration level is 0.02 or more, a second confirmation test will be conducted.

B. DRUG TESTING.

1. A urine specimen will be split into two bottles labeled as “primary” and “split” specimen. Both bottles will be sent to the lab;

2. If the urinalysis of the primary specimen tests positive for the presence of illegal, controlled substances, the employee has 72 hours to request that the split specimen be analyzed by a different certified lab;

3. The urine sample will be tested for the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine;

4. If the test is positive for one or more of the drugs, a confirmation test will be performed using a gas chromatography/mass spectrometry analysis;

5. All drug test results will be validated, reviewed and interpreted by a physician (medical review officer or MRO) before they are reported to the employee and then to the employer agency;

6. With all positive drug tests, the physician (MRO) will first contact the employee to determine if there is an alternative medical explanation for the positive test result. If documentation is provided and the MRO determines that there was a legitimate medical use for the prohibited drug, the test result may be reported to the employer as "negative."

Section 18.11: APPEAL OF DRUG OR ALCOHOL TEST RESULT.

A. An applicant or employee whose drug or alcohol test reported positive will be offered the opportunity of a meeting to offer an explanation. The purpose of the meeting will be to determine if there is any reason that a positive finding could have resulted from some cause other than drug or alcohol use. The General Manager will judge whether an offered explanation merits further inquiry.

B. An employee whose drug or alcohol test is reported positive will be offered the opportunity to:

1. Obtain and independently test, at the employee's expense, the remaining portion of the urine specimen that yielded the positive result;

2. Obtain the written test result and submit it to an independent medical review at the employee's expense.

Section 18.12: INSPECTION AND SEARCHES.

A. The District may conduct unannounced general inspections and searches for illegal drugs or contraband on District premises, or in District vehicles or equipment wherever located. The District has the right to search and inspect all District property, including but not limited to lockers, storage areas, furniture and other places under the common control of the District or joint control of the District and employees. Employees are expected to cooperate, and do not have any expectation of privacy in any District building, property or communications system.

B. Contraband is an article that is illegal to possess.

C. Illegal drugs, drugs believed to be illegal and drug paraphernalia found on District property will be turned over to the Costa Mesa Police Department and the full cooperation will be provided to any subsequent investigation.

D. Other forms of contraband, such as firearms, explosives and lethal weapons, will be subject to seizure during an inspection or search. An employee who is found to possess contraband on District property or while on District business will be subject to discipline up to and including termination.

E. If an employee is the subject of a drug-related investigation by District or by a law enforcement agency, the employee may be placed on administrative leave pending completion of the investigation.

Section 18.13: CONFIDENTIALITY. All information relating to drug or alcohol testing, or the identification of persons as users of drugs and alcohol will be protected by District as confidential unless otherwise required by law, overriding public health and safety concerns, or authorized in writing by the persons in question.

RULE 19 – ELECTRONIC EQUIPMENT USE, SOCIAL MEDIA AND DISTRICT WEB PAGE

Section 19.1: DISTRICT ELECTRONIC RESOURCES POLICY AND PROCEDURES.

A. PURPOSE.

The District makes every effort to provide its employees with technology-based resources in order to conduct official business more effectively. In this regard, the District has installed personal computers, local area networks (LANs), electronic mail (e-mail), cell phones and access to the Internet. The purpose of the District's Electronic Resources Policy and Procedures is to establish uniform guidelines for computer and cell phone usage including the use of Internet and e-mail applications.

B. POLICY.

1. District computers, fax machines, and internet licenses are provided for District business and are not to be used for personal gain, private purposes (except as described in subsection 6), or to support or advocate non-District –related business or purposes. All data and electronic messages, including information accessed via the Internet and sent or received through electronic mail (e-mail) systems, are the properties of the District. All records whether paper or electronic, may be subject to the disclosure requirements of the California Public Records Act and are not considered private. Notwithstanding the foregoing, e-mail should only be used for the transmission of information and should not be used for preserving information for future reference. Information to be retained may be stored electronically on the system/network and/or may be converted to a hard copy and archived in a District physical file cabinet.

2. There is no expectation of personal privacy in any use of District computer systems and software, including e-mail and Internet usage. The District may, at any time, review the contents of all records, data and communication transmitted, received and stored by its electronic systems. Any indication of a violation of this policy is subject to management review. This review may include accessing and disclosing all electronic documents, information and messages including e-mail and Internet records.

3. The District purchases, owns and administers the necessary software and licenses and cell phones to provide access to e-mail and Internet services and real time communications in the office, in the field and for emergency communications. Users may not rent, copy or loan District software or its documentation, nor provide alternative software to access the system. Users may be subject to discipline for any damages caused by negligence, and unauthorized software or viruses they introduce in the system.

4. The District is not responsible for items originating from the Internet and reserves the right to restrict employee access to the Internet or to certain Internet content.

5. Examples of Prohibited Uses

a. Using the Internet to view, obtain or disseminate any sexually oriented material, images or messages.

b. Using the Internet and/or e-mail systems to send or distribute disruptive, offensive, abusive, threatening, slanderous, racial or sexually harassing materials.

c. Using District computer systems for private purposes, personal gain, solicitation of commercial ventures, religious or political causes, chain letters, or other non-job-related purposes (except as described in subsection 6 below).

d. Downloading or installation of software that has not been approved by the District and scanned for viruses.

e. Sending unencrypted confidential documents via the Internet.

f. Any other use that may compromise the integrity of the District and its business in any way.

g. E-mail should not be used for sensitive attorney-client communications.

h. A good rule of thumb when using the computer and e-mail is “never put anything in an e-mail that you would not want to see on the front page of the newspaper.”

6. To promote employee computer and Internet proficiency and as an employee benefit, certain employee personal use is allowed. This use is only permitted during employee personal time. Examples include educational enhancement and personal communications, which conform to the above prohibited uses. Personal use is secondary, and should not (i) interfere with the agency’s operation of Electronic Communications Resources, (ii) interfere with the user’s employment or other obligations to the District, or (iii) burden the District with noticeable incremental costs.

7. The acquisition of personal computer hardware and software shall follow the normal budgetary and purchasing procedures, ensuring budget authorization is in place. Requests for acquiring hardware and software shall be recommended to the Personnel Manager for evaluation and recommendation.

8. Equipment operation and maintenance:

a. The authorized Management Information Systems (MIS) person (in-house or agreement/contract) shall assist in evaluating District functional needs and recommend options if appropriate.

b. MIS shall maintain an on-site office automation library of proven and reliable software and hardware requiring minimum technical support that maintains a user-friendly concept, is easy to use and enhances District productivity.

c. MIS shall maintain an on-site inventory control of all workstation hardware and software.

d. MIS shall provide on-site training and consulting advice on approved software and make recommendations as appropriate.

e. MIS shall maintain the District automation system including all personal computer workstations and client server network for the purpose of retrieving data files, sharing licensed applications and nightly data backup.

f. MIS shall periodically review the District automation system for adherence to operating standards and implement approved upgrades.

g. MIS shall backup District databases daily, weekly, monthly, quarterly and annually for archival and retrieval purposes.

9. Security: The Personnel Manager and MIS (in-house or agreement/contract) must approve dial-in access from home systems and

businesses to District systems in advance for valid business needs. All computer systems users are responsible for data residing on their systems.

C. PROCEDURES.

1. Passwords

a. Users dealing in confidential matters will define their own confidential password. Users should be aware that this does not imply that the system may be used for personal communication or that e-mail is the property of the user.

b. To ensure the security of the e-mail system, the system will prompt the user to routinely change their password. Should the user forget their password, and attempt to input a password they are not sure of, the system may lock them out after three failed attempts.

2. Internet and E-mail Access

a. Access to the Internet and e-mail is restricted to those employees who have been provided the necessary software and hardware and who have been authorized by the District to access e-mail and the Internet. The District may deny or restrict Internet and/or e-mail access to any employee at any time.

b. When using e-mail and the Internet, employees are cautioned to remember they represent the District. Employees may not speak for the District unless they are authorized to do so.

c. E-mail and Internet messages can be forwarded without the express permission of the original author. Users must use caution in the transmission and dissemination of messages outside the District and must comply with all State and Federal laws, rules and regulations and District policy.

3. Electronic Document, Software and Mail Storage

a. Electronic mail is backed-up on a regular basis. It is synchronized with the server on every start-up and shut-down. The District back-up procedures allow the District to restore current software, documents and electronic mail in the event of a system failure.

b. Electronic mail is not intended to be a permanent storage medium. Electronic in-boxes and out-boxes should be archived or purged on a regular basis. The District may, in its discretion, purge long-term mail on an automatic basis.

c. To save critical electronic mail as a permanent record, employees should print out a hard copy for permanent filing or save the file on the "C" drive of the desktop or laptop computer assigned to them.

4. Information Block: E-mail sent outside the District should include an information block at the end of all transmitted messages. The block should include the sender's name, title, company name, direct telephone number, FAX number and e-mail address.

Section 19.2: SOCIAL MEDIA USE.

A. PURPOSE.

The policy outlines the protocol and procedures for use of social media to publicize official District services and events. In addition, this policy addresses the responsibilities of individual employees and District officials with regard to social media and the use of District resources (time/equipment), as well as responsibilities related to the public records and open meeting laws.

B. DEFINITIONS.

1. Social Media: Various forms of discussions and information-sharing, including social networks, blogs, video sharing, podcasts, wikis, message boards, and online forums. Technologies include: picture-sharing, wall-postings, fan pages, e-mail, instant messaging and music-sharing. Examples of social media applications include but are not limited to, Google, and Yahoo Groups, (reference, social networking), Wikipedia (reference), MySpace (social networking), Facebook (social networking), YouTube (social networking and video sharing), Flickr, (photo sharing), Twitter (social networking and microblogging), LinkedIn (business networking), and news media comment sharing/blogging.

2. Social Networking: the practice of expanding business and/or social contacts by making connections through web-based applications. This policy focuses on social networking as it relates to the Internet to promote such connections for official District business and for employees, elected and appointed officials who are using this medium in the conduct of official District business.

C. POLICY.

1. All official District social media sites will be administered by the General Manager or his/her designee. These social media sites shall be used for the limited purpose of informing the public about District business, services and events. Individual departments may not have their own pages/sites. Individual departments wishing to add content to official District social media sites may submit a request to the General Manager. The District's web site, www.cmsdca.gov, will remain the official location for content regarding District

business, services and events. Whenever possible, links within social media formats should direct users back to the District web site for more information, forms, documents or online services necessary to conduct business with the District.

2. District employees and appointed and elected officials shall not disclose information about confidential District business on either the District's social media sites or personal social media sites. In addition, all use of social media sites by elected and appointed officials shall be in compliance with California's open meeting laws. Employees and elected or appointed officials' posts are a reflection of their own views and not necessarily those of the District.

3. Posting/ Commenting Guidelines

a. All postings made by the District to social media sites will contain information and content that has already been published or broadcast in an official manner. The District will not comment on other social media member's sites. All official social media postings by the District will be done solely on the District's social media sites or in response to postings made on the District's social media sites.

b. The District reserves the right to remove content that is deemed in violation of this policy or any applicable law. Any participants on the District's official social media sites who are in continual violation of the postings/commenting guidelines may be removed from the District's site. The District will only post photos for which it has copyright or owner's permission to use.

c. Direct messages sent to social media accounts will be treated as general correspondence and kept in accordance with retention schedules provided by the CMSD Records Retention Program.

d. Chat functions in any social media sites will not be used.

e. Links to all social media networks to which the District belongs will be listed on the District's official website. Interested parties wishing to interact with these sites will be directed to visit the District's web site for more information on how to participate.

f. The District reserves the right to temporarily or permanently suspend access to official District social media at any time.

D. PROCEDURES.

1. The General Manager or his designee will be responsible for responding to comments and messages as appropriate whenever possible. The District will direct users back to the District's official web site for more

information, forms, documents or online services necessary to conduct business with the Costa Mesa Sanitary District.

2. The District may invite others to participate in its social media sites. Such invitations will be based upon the best interests of the District as determined by the District in consultation with the General Manager or designee.

E. RESPONSIBILITIES.

1. It is the responsibility of employees, and appointed and elected officials to understand the procedures as outlined in this policy.

2. Employees who are not designated by the General Manager to access social media sites for official business are prohibited from accessing social media sites utilizing the District computer equipment and/ or the District's web access. While at work, employees who are not granted access via District systems and computing equipment may use personal computing devices and personal web accounts to access social media sites only during non- working hours such as lunch periods and breaks.

4. The General Manager will determine if a request is appropriate and adheres to the guidelines of this policy.

5. All content posted on official District social media sites must comply with District web standards. Employee or District confidentiality shall be maintained in accordance with all applicable laws and District policies. If a question arises regarding the use or posting of confidential information on a social media site, the matter shall be referred to the General Manager for review. The information in question shall not be posted, or if already posted, shall be removed until an opinion is rendered by General Manager or District counsel. Notwithstanding the opinion of the District counsel, the General Manager reserves the right to restrict or remove District information from an official District social media site if the General Manager believes that the information does not serve the best interest of the District.

6. All social media based services to be developed, designed, managed by or purchased from any third party source for use requires appropriate budget authority and approval from the Board of Directors.

Section 19.3: DISTRICT WEB PAGE.

A. POLICY.

It is District policy to control the content and accuracy of the information provided on the public District Web page. All information will be directed to the Board Secretary acting in the capacity of the District Web manager. All information posted on the District website must be consistent with the District's mission and public interest.

B. PROCEDURE.

Any District Board Director, official or employee may request postings to the District Web page through the General Manager or his designated representative. Postings must be non-political in nature. The General Manager who shall approve, modify, or deny the request. Postings shall be submitted in Word format as an e-mail attachment unless only a hard copy is available. In either case it is the submitter's responsibility to check the item for accuracy both prior to submission and after posting to the Web page to insure no inadvertent errors appear on the final document. The submitter is to inspect the posted submission within 24 hours of posting.

1. The General Manager or his designated representative shall submit the approved request to the Management Information Services (MIS) contractor for inclusion on the web page and, when necessary, suggest alternative solutions in support of the needs.

2. The General Manager or his designated representative shall also manage removal of postings based on the information provided pertinent to duration or expiration date.

RULE 20 – CELL PHONE ALLOWANCE POLICY

Section 20.1: PURPOSE

The purpose of this policy/procedure is to establish guidelines for Costa Mesa Sanitary District (District) issued cell phone allowance(s). The District provides an allowance for cell phones, but the cell phone and any license to connect to electronic transmission lines (telephone, email, etc.) are not the property of the District.

Section 20.2: OVERVIEW

The use of cell phones may be essential for employees to conduct business while away from the office, i.e., field and customer service operations, emergency operations, after-hours communications, and for their safety. District issued cell phone allowances may be provided to employees whose job duties require them to be out of the office for large portions of the workday or work during non-business hours.

The District Manager shall determine which employment classifications will need a cell phone and, therefore, shall be entitled to a cell phone allowance. No employee at the District has an implied right to a cell phone allowance; the District Manager can, at his or her discretion, determine that a cell phone is no longer required to meet job functions of specified classifications, and therefore, the allowance will cease.

The District has established a cell phone allowance and shall pay an amount to employees within the specified classification for cell phone acquisition and maintenance.

Section 20.3: COMPLIANCE PROCEDURE

- A. Employees whose positions are listed below shall receive an allowance on a taxable monthly basis.
- General Manager,
 - Administrative Service Manager
 - Deputy District Clerk
 - Maintenance Supervisor
 - Maintenance Worker
 - Ordinance Enforcement Officer
- B. Employees receiving an allowance are responsible for the following:
- Purchasing and maintaining their equipment. Cell phone plans must provide for a minimum of 450 minutes coverage for work communications and must have coverage with a carrier that provides acceptable coverage in the employee's work areas.
 - Notifying their supervisor and department manager of their phone number, changes to number, or cancellation of service.
 - Ensuring continuity of service, including payment of bills.
 - Being in possession of their cell phones during working hours and during nonworking hours if required by their supervisor for District purposes (pursuant to the District's Standby Policy).
- C. District employees may choose to have a telephone-only cell phone or a telephone with text, internet, photo and other features.
- D. Use of Cell Phones
- Although District employees are to have their cell phones activated for work purposes, cell phone use is not limited to District purposes, and employees may use their cell phones for any lawful purpose.

Cell phone use must be in conformance with other District rules.

Effective July 1, 2008 and in accordance with Vehicle Code (VC) §23123 all drivers are prohibited from using a handheld wireless telephone while operating a motor vehicle. Motorists 18 and over may use a hands-free device. Employees are required to pull off to the side of the road and safely stop the vehicle before placing or accepting phone calls, unless the cell phone or vehicle is equipped with a hands-free device.

- a. Employees who receive allowances will be responsible for obtaining their own hands-free equipment.
- b. Employees who receive a traffic violation resulting from the use of an employee owned or District issued cell phone, while driving a personal or District vehicle, shall be solely responsible for all liabilities that result from such action and may be subject to discipline.

- E. Cell phone records may become public records. The District reserves the right to request to review the District-related contents of all records, data and communications transmitted, received and stored by the cell phone and/or the communications carrier if the District has a compelling legal need.

Section 20.4: USE OF CELL PHONE BY NON-EXEMPT CLASSIFICATIONS DURING OFF DUTY HOURS

- A. Employees whose positions are within a non-exempt classification may not use their cell phone for work purposes (i.e. phone calls, checking and responding to email, etc.) unless expressly directed to do so by their supervisor when off duty.
- B. When non-exempt employees are expressly directed to use their cell phone for work purposes by their supervisor, they shall document all time worked on their time card, the following business day.

RULE 21 – VEHICLE AND FLEET SAFETY POLICY

Section 21.1: VEHICLE USE POLICY.

- A. POLICY.

This policy covers the use of privately owned vehicles (POV) for conducting official District business and shall be applicable to all elected officials and employees of the District. This policy establishes a written policy relative to the reimbursement procedures for privately-owned vehicles used for District business and clarifies the District's responsibility for damage and/or liability for private vehicles used on official District business.

- B. PROCEDURE.

When necessary during the course of an elected official's or employee's official duties, the District shall provide reimbursement.

- 1. Elected officials or employees using their POV on official business must possess a valid California driver's license for the class of vehicle they will be operating.
- 2. District employees cannot be compelled to use their own vehicles for District business unless it is a pre-specified condition/requirement of employment.
 - a. Employees shall not be reimbursed for commuting to and from work, except that employees who are required to attend scheduled meetings outside of normal working hours may be reimbursed for mileage incurred.

3. The District shall reimburse District elected officials or employees the IRS mileage reimbursement rate the IRS announces each year when District employees use their personal vehicles for conveyance to conduct District business as set forth in CMSD Operations Code 3.01.090. The standard mileage rate is based on annual studies by the IRS of the fixed and variable costs of operating an automobile (maintenance, insurance repairs, gas and oil, etc.).

4. Insurance: The individual employee shall insure his/her privately owned vehicles to be used on official District business. The employee's insurance coverage is deemed to be primary. It shall be the Personnel Manager's responsibility to ensure that no privately owned vehicle is operated on District business without insurance coverage and a valid operator's license required by regulation. Additional coverage's and limits of employee and District shall be as specified in the District's insurance coverage SDRMA currently provides.

5. District employees are encouraged to carpool whenever feasible.

6. Clarification on District liability: The District shall be responsible to each employee only when the employee is determined not to be negligent and the other party is uninsured. Under such circumstances, the District shall be responsible to the elected official or employee for the amount of the deductible for comprehensive and/or collision damages suffered by the employee.

Section 21.2: FLEET SAFETY POLICY.

A. PURPOSE.

The purpose of this fleet safety policy is to prevent vehicle accidents and to promote safe driving practices while maintaining District vehicles and heavy equipment in proper operating condition.

B. SCOPE.

This policy applies to all District full-time and part-time employees. In addition to the provisions of this policy, all employees are required to comply with applicable Federal Department of Transportation (DOT) and California Department of Motor Vehicles (DMV) and local traffic laws, and the established Costa Mesa Sanitary District driving safety work rules, best practices and procedures.

C. POLICY.

This fleet safety policy serves as the uniform best practice standard governing the privilege of operating District vehicles and/or heavy equipment within the scope of employment. Failure to comply with this policy shall lead to disciplinary action up to and including termination.

D. RESPONSIBILITIES.

1. Operations Manager: The Operations Manager will have the responsibility to implement the adopted fleet safety policy and overall fleet safety program by:

- a. Directing the Maintenance Supervisor and employees to endorse and comply with the adopted policy and program components.
- b. Providing appropriate safety and financial resources.
- c. Providing support and interest in the fleet safety program.

2. Maintenance Supervisors: The Maintenance Supervisor will have the responsibility to:

- a. Provide training to employees so that they are fully qualified to drive and maintain fleet vehicles and heavy equipment.
- b. Ensure the safe operation of fleet vehicles in compliance with the overall fleet safety program requirements.
- c. Coordinate the delivery and pick up of District owned fleet vehicles and heavy equipment to the repair shop for routine preventive maintenance.
- d. Coordinate the delivery and pick up of District owned fleet vehicles and heavy equipment to the repair shop after unsafe conditions and/or mechanical defects have been reported by District employees.
- e. Enforce the established fleet safety policy's driving work rules, procedures, policies and best practices.
- f. Thoroughly investigate all vehicle accidents and make recommendations to avoid future accidents.
- g. Demonstrate support and interest in the fleet safety program.

3. Employees: District employees will have the responsibility to:

- a. Adhere to the directives of this fleet safety policy and overall fleet safety program.
- b. Participate in in-service training and apply their education and training to the safe operation of assigned vehicles and heavy equipment.

c. Immediately report any change to the status of their driver's license to their immediate supervisor, Operations Manager or Human Resources.

d. Conduct required pre-trip inspections and preventive maintenance on assigned vehicles and heavy equipment.

e. Thoroughly complete and submit to Maintenance Supervisor pre-trip and post-trip inspection form.

f. Report unsafe conditions and/or mechanical defects to the Maintenance Supervisor.

g. Report all accidents immediately to the Maintenance Supervisor and thoroughly complete the District's accident report.

h. If the accident involves a private vehicle, contact the police department whether injuries occurred or not.

ii. Immediately take pictures of all damaged property that occurred in the accident.

iii. Follow instructions in the "Accident Fact Kit", which is supplied by the District, and exchange information with individuals involved in the accidents along with witnesses.

i. Maintain a valid California driver's license, which includes passing the required physical exam and a satisfactory driving record both on and off the job.

j. Employees are required to obey all Federal DOT, California DMV, and City of Costa Mesa traffic regulations.

k. Seat belts and shoulder harnesses **MUST BE WORN** while operating or riding in District owned commercial and fleet vehicles. Inoperative or missing seat belts and/or harnesses shall immediately be reported to the immediate supervisor. The vehicle or equipment shall not be operated until the repairs have been made.

l. Employees who are assigned a vehicle and/or piece of heavy equipment are responsible for the daily inspection of the vehicle and/or heavy equipment and completion of the required forms. If an employee is unfamiliar with the operation or maintenance of a vehicle or piece of heavy equipment, it is his/her responsibility to request information and instructions on the proper procedures from his/her immediate supervisor.

E. USE OF DISTRICT VEHICLES.

The operation of District owned or leased vehicles and/or heavy equipment is a privilege/requirement, which may be withdrawn at any time at the sole discretion of the General Manager. An employee must comply with the following fleet safety driving rules and best practices in order to continue this granted privilege/meet the requirement to operate vehicles and heavy equipment:

1. Maintain an approved and valid California driver's license with the applicable classifications and endorsements, if required, at all times. Any loss or restriction of driving privileges during the employee's incumbency must be immediately reported to their immediate supervisor, Operations Manager or Human Resources.

2. Employees who operate fleet automobiles, light trucks and medium trucks SHALL conduct a visual pre-trip inspection of the tires, brakes, headlights, taillights, directional lights, 4-way flashers, wipers, heater and defroster on the vehicle at each fueling.

3. Employees who operate commercial vehicles SHALL conduct and document the required "Pre-trip/Post-trip Inspection" prior to and at the conclusion of operating on public roadways as required by federal and state regulations.

4. Unless used during traffic control conditions, engines SHALL BE stopped and ignition keys removed when parking or leaving District vehicles and/or heavy equipment, unless parked within an enclosed garage.

5. Individuals not employed by the District are NOT PERMITTED as passengers in fleet vehicles unless authorized by the Operations Manager or General Manager. If the Operations Manager or General Manager is not sure of an acceptable deviation of the policy, they should consult with District Counsel or Risk Management/Human Resources to determine acceptable risk levels.

6. While fueling fleet vehicles and/or heavy equipment:

- a. Smoking is PROHIBITED while fueling.

- b. Engines SHALL BE turned OFF during the fueling operation. Leaving the vehicle unattended while fueling is PROHIBITED.

- c. Using an object to "lock the nozzle" on a fuel pump nozzle while fueling is PROHIBITED.

- d. Fuel leaks and/or spills (diesel fuel, and hydraulic oil) shall be immediately absorbed and cleaned up by using materials from the District provided "spill kit". Spills over one gallon SHALL BE reported immediately to the Maintenance Supervisor.

7. Report any fleet vehicle and heavy equipment mechanical problems immediately. NEVER drive a fleet vehicle and/or operate heavy equipment that does not appear safe.

8. Heavy equipment SHALL BE properly maintained and inspected prior to each use.

9. Employees SHALL BE properly trained and certified on specialty and heavy equipment prior to its use.

10. Employees ARE NOT ALLOWED to tamper, over-ride or disconnect any manufacturer installed safety features and devices.

11. Vehicle interiors are to be kept clean and free of rubbish.

12. Smoking in vehicles is NOT PERMITTED.

F. DRIVER ORIENTATION AND TRAINING.

Orientation and training must supplement the employee's trial period to assure that all employees have the knowledge and skills necessary to perform the job in the manner expected, as well as to review the District's policies and practices with each employee. The orientation and the type and amount of training that is needed will vary directly with the complexity of the job assignments, and the knowledge and experience level of the employee.

The Maintenance Supervisor is responsible for orienting and training both new and current employees regarding the proper use, maintenance and operation of District vehicles and heavy equipment. The following components shall be thoroughly covered during the employee's orientation/trial period.

1. Vehicle Safety Rules, Policies, Procedures and Practices

Employee will be instructed before using the vehicles and/or heavy equipment for the first time on the following:

- Approved uses of District vehicles
- Vehicle accident procedures
- Maintenance repair reporting process, procedures and mandatory forms
- Vehicle and/or heavy equipment field breakdown procedures
- Proper storage and parking procedures
- Fueling practices and mandatory forms
- Drug Free Workplace Policy
- Fleet safety driving rules and best practices

2. Vehicle Operation (Off Road)

Employees will be instructed on the proper use of vehicles and/or heavy equipment off road and the following:

- Proper use of the vehicle and/or heavy equipment's controls, features and attachments
- Procedures for operating vehicles or heavy equipment on the roadway
- Required inspection techniques
- Completing the mandatory pre-trip inspection form
- Proper use of safety features and equipment
- Cargo loading, unloading, and tie-down practices
- Backing procedures and use of spotters

In addition, the District will provide ongoing in-service training programs which address the knowledge and skills necessary for all employees to perform in a satisfactory and safe manner.

G. VEHICLE AND HEAVY EQUIPMENT MAINTENANCE AND CARE.

It is the responsibility of the Operations Manager and Maintenance Supervisor to ensure that all District owned or leased vehicles and heavy equipment assigned to their respective employees are in proper working condition at all times. The Operations Manager and Maintenance Supervisor shall ensure that an orientation and training program is developed for vehicles and heavy equipment.

The Operations Manager and Maintenance Supervisor are accountable for the District assigned vehicles and heavy equipment. This accountability includes instruction of employees in the proper operation and preventative maintenance procedures and ensuring that routine vehicle inspections are performed on a pre-use basis and that inspection forms are completed and submitted in accordance with the established procedure.

H. VEHICLE EMERGENCY BREAKDOWN PROCEDURE.

Employees are responsible for following the breakdown procedures whenever a vehicle becomes disabled in a public roadway:

1. Get completely off the traveled roadway. Avoid curves, hills or places where the view may be obstructed.
2. Shut down the vehicle.
3. Set the parking brake to prevent movement.
4. Turn on the 4-way flashers. If reflective triangles are available, set them near the vehicle and at approximately 100' to warn approaching traffic.
5. Call for assistance (911, maintenance supervisor, operations, manager, repair shop supervisor, etc.)

6. Stay in and with the vehicle.

I. EMERGENCY EQUIPMENT AND SUPPLIES.

Maintenance Supervisor and employees are required to maintain and ensure that all commercial vehicles are carrying the following emergency equipment:

1. Reflective triangles;
2. Basic first aid kit;
3. Small multi-purpose dry fire extinguisher; and the
4. Proof of Insurance and vehicle registration cards.

RULE 22 – TECHNOLOGY LOAN AND PROCUREMENT CARD

Section 22.1: TECHNOLOGY LOAN PROGRAM.

A. PURPOSE.

To elevate technology competency of eligible employees, by encouraging and assisting the purchase of technology equipment and software for use in employees home by granting interest free loan from the District. Technology competency on the part of eligible District employees will increase productivity in the workplace through new applications and increased use of District technology equipment in daily organization activities. All regular District employees who have completed their initial probationary period with the District are eligible for this benefit.

B. LOAN TERMS.

1. The minimum loan amount under this program shall be \$200 and the maximum is \$2,500. The employee has the option of financing all or part of the purchase price of the equipment and materials purchased up to the maximum.
2. The loan amount shall be specified in a promissory note from the employee to the District.
3. The loan shall be repaid by the employee through payroll deduction and the deduction period shall not exceed 24 months (52 pay periods). There shall be no interest charged. Repayment in full is accepted without penalty.
4. The loan shall become immediately due and payable upon separation of employment with the District. If there are insufficient funds

available in the final paycheck, remaining balance shall be paid by check or cash at the time of separation. If a balance remains at the time of separation, the amount owed will be converted to a loan with a 10% interest rate billed monthly, if balance not paid in full by check or cash within 30 days of separation from the District.

5. Each employee will be limited to receiving one technology loan in a one fiscal year period and cannot obtain a loan if the employee still has an outstanding loan with the District.

6. Employee agrees not to sell, trade, or otherwise dispose of the equipment or software until the loan has been paid in full. The employee also agrees the usage of the equipment and software will be limited to the employee's own use and that of his/her immediate family. Any reassignment or transfer of the equipment or software or the Promissory Note will result in the loan being recalled.

7. Employees should ensure that their home or renter's insurance policy provides adequate protection of their equipment from theft, fire, flood, and lightning. The District does not assume any liability for damage or theft of equipment.

C. TYPE OF EQUIPMENT.

1. Technology equipment ordered under this program is for the employee's personal use and for work-related activities. It is intended that the purchased equipment be compatible with the District's computing equipment.

2. Computers purchased under this program must be IBM PC compatible. Exceptions may be made to purchase a Mac system if a Mac system is required in the performance of the employee's District job and a Mac system is provided by the District for the employee's position. Any configuration of computer peripheral equipment and software is limited to the following (subject to the approval of the General Manager): CPU with operating system and windows software, other internal and external devices, such as drives, monitor, keyboard, mouse, speakers, modem, scanner, and printer. Shipping, handling fees and sales tax are also eligible for reimbursement, within the established limits.

3. The equipment is subject to warranty terms and conditions of the manufacturer. Each employee is solely responsible for arranging for maintenance service, installation, training, extended warranty or other services at his/her own expense and is not included in the loan amount.

D. PROCEDURE.

1. The District can obtain government rates through its authorized technology purchasing vendor, CDW. Employees can search the equipment and software he/she desires by visiting www.cdw.com. Print a listing of the hardware and software, including price quote, tax and delivery.

2. Complete a Personal Technology Loan Program - Loan Request form, which may be obtained from the Finance Department. This requires the employee to list the type of equipment to be purchased, the purchase price, the loan amount and repayment plan requested. Submit this to the Finance Department and finally to the General Manager to ensure loan approval.

3. After the loan is approved in writing, a Promissory Note outlining the terms of the loan must be completed and signed by the employee.

4. After the loan request form and Promissory Note is signed by the employee, the District's Finance Department will purchase the equipment and/or software from CDW on behalf of the employee using District appropriated funds. The equipment and/or software will be shipped to District Headquarters at 628 W. 19th Street.

5. Payroll deductions (per pay period) will begin at the beginning of the first pay period following employee receipt of equipment and/or software at District Headquarters.

E. IRS/TAXES.

Questions regarding tax consequences of participation in this plan should be directed to a reputable tax advisor.

F. LIMITATIONS.

1. The District assumes no liability against loss, damage or equipment abuse.

2. The District reserves the right to terminate the Technology Loan Program at any time.

G. TECHNOLOGY LOAN REQUEST FORM.

All employees who wish to obtain a technology loan must complete the District's Employee Technology Loan Request Form.

Section 22.2: PROCUREMENT CARD PROGRAM.

A. OBJECTIVES.

The Procurement Card Program objectives are as follows:

1. To provide for faster delivery service of low dollar items.

2. To reduce paper and postage expense for mailed warrants by consolidating vendor payments.

3. To provide a tool to Staff to review procurement card statements for repetitive purchases and consolidate into new price agreements and contracts with volume discount prices.

B. POLICY.

The Accounting Manager is the administrator of the Procurement Card Program (CMSD Operations Code 3.01.090) and responsible for the following:

1. Determine who needs a Procurement Card, to be issued in the cardholder's name.
2. Establish flexible Procurement Card limits.
3. Establish Procurement Card Cardholder Procedures.
4. Reviewing the cardholder's charges on the Procurement Card and ensuring that the purchases are appropriate and within budget constraints, and proper documentation is included.

C. DEFINITIONS.

The Accounting Manager is the administrator of the Procurement Card Program (CMSD Operations Code 3.01.090) and responsible for the following:

1. "Procurement Card Bank" is the bank card contractor who will issue the Procurement Card to the District.
2. "Cardholder" is a District employee who is issued a District Procurement Card. Determine who needs a Procurement Card, to be issued in the cardholder's name.

D. PROCEDURE.

The Cardholder shall be responsible for the following:

1. Complying with Procurement Card Cardholder Procedures.
2. Ensuring the bank card is used appropriately and that all purchases are within the approved dollar limits and budgeted.
3. Ensuring the security of the Procurement Card while in his/her possession. If the card is lost or stolen, the Cardholder shall immediately notify the Procurement Card bank, the Accounting Manager and the Personnel Manager.
4. The bank card is not to be used for the cardholder's personal purchases. Improper and unauthorized use of the Procurement Card shall result

in disciplinary action, and, where theft is suspected, the Cardholder shall refer the matter to the pertinent law enforcement agency for investigation and possible prosecution. The Accounting Manager, with the approval of the General Manager, has the option to terminate the Cardholder's right to use the Procurement Card at any time and for any reason. The Cardholder shall agree to return the Procurement Card to the District immediately upon request or upon separation of employment.

RULE 23 – INJURY, ILLNESS, HEAT ILLNESS PREVENTION AND EMPLOYEE ASSISTANCE PROGRAMS

Section 23.1: INJURY & ILLNESS PREVENTION PROGRAM. It is the policy of the District to provide equal employment opportunity to all persons.

A. POLICY.

It shall be the policy of the District that every employee is entitled to a safe and healthful place in which to work. Every reasonable effort will be made in the interest of accident prevention, fire protection and health preservation.

B. RESPONSIBILITIES.

1. General Manager – The General Manager is responsible for ensuring the IIPP is implemented. Duties include, but are not limited to:

a. Ensuring all managers actively support the IIPP.

b. Providing the funding necessary to maintain an effective and compliant safety program.

2. Managers & Supervisors – Managers & Supervisors have the responsibility of providing a safe place to work including facilities, equipment, standards and procedures, adequate supervision and recognition for a job done properly. They are responsible for training all of their employees to perform their jobs properly and safely. They teach, demonstrate, observe and enforce compliance with established safety standards.

3. IIPP Administrator – The IIPP Administrator is the Administrative Services Manager, who has the responsibility for the implementation, maintenance and update of the Program.

4. Employees – Employees have the responsibility of performing their tasks properly and safely. They are to assure themselves that they know how to do the job properly, and ask for additional training or assistance when they feel there is a gap in their ability, knowledge, or training. They should never undertake any task, job or operation unless they are able to perform it safely.

C. COMPLIANCE.

1. Management Responsibility – Management is responsible for ensuring organizational safety and health policies are clearly communicated and understood by employees. Managers and supervisors are expected to enforce the rules fairly and uniformly.
2. Employee Responsibility – All employees are responsible for using safe work practices, following directives, policies and procedures, and for assisting in maintaining a safe work environment.
3. Performance Evaluations
 - a. As part of manager and supervisor regular performance evaluations, they are evaluated on what they have done to ensure a safe workplace for their respective employees. They are also evaluated on their positive or negative loss results.
 - b. As part of employee regular performance reviews, they are evaluated on their compliance with safe work practices.
4. Recognition – Managers, supervisors and employees who make a significant contribution to the maintenance of a safe workplace, as determined by their superiors, receive written acknowledgment maintained in their personnel files.
5. Employee Training – Employees are trained and retrained on the correct safety and health procedures.
6. Employee Correction – Employees who fail to follow safe work practices and/or procedures, or who violate organizational rules or directives, are subject to disciplinary action, up to and including termination in accordance with the organization's personnel-related policies and procedures.

Managers and supervisors correct safety violations in a manner considered appropriate by organizational management.

D. COMMUNICATION.

1. Two-Way Communication – Management recognizes open, two-way communication between management and staff on health and safety issues is essential to an injury-free and productive workplace.
2. The Organization's System of Communication – The following system of communication is designed to facilitate a continuous flow of safety and health information between management and staff in a readily understandable form.

a. An orientation program is given to all new employees and includes a review of the Injury & Illness Prevention Program and a discussion of policy and procedures the employee is expected to follow.

b. The organization has safety meetings where safety is freely and openly discussed by all present. Field tailgate safety meetings are held monthly. Office safety meetings are held quarterly. All employees are expected to attend their respective meetings and are encouraged to participate in discussion.

c. From time to time, safety notifications may be sent via e-mail to office employees. Copies of such e-mails would be distributed to employees who do not have computers.

d. Other methods of communicating pertinent health and safety information are used as they are identified.

3. Safety Suggestions and Hazard Reporting

a. All employees are encouraged to inform their supervisors or other management personnel of any matter which they perceive to be a workplace hazard or a potential workplace hazard. They are also encouraged to report suggestions for safety improvement.

This reporting can be done orally or preferably in writing. If done in writing, the notification may be given directly to the supervisor, the IIPP Administrator or other management personnel, or placed in a suggestion box.

b. If an employee wishes to report anonymously, a hazard, safety suggestion or other safety problem he or she can complete an Employee Report Form, and not indicate his/her name.

c. No employee shall be retaliated against for reporting hazards or potential hazards, or for making suggestions related to safety.

d. Management reviews all suggestions and hazard reports.

e. If employees provide their names in regard to the notification, they shall be informed of what is being done within five working days of receipt.

E. HAZARD IDENTIFICATION AND EVALUATION.

Inspection of the workplace is our primary tool used to identify unsafe conditions and practices. While we encourage all employees to continuously identify and correct

hazards and poor safety practices, certain situations require formal evaluation and documentation.

1. Safety Inspections – Internal safety inspections are conducted on a monthly basis for all shop and maintenance facilities. Safety inspections are conducted for all office areas at least annually. Hazards found are corrected on the spot or recommendations are submitted for future corrections.

2. Additional Inspections – Inspections are also conducted in accordance with Cal-OSHA requirements:

- a. Whenever new substances, processes, procedures or equipment present a new safety or health hazard.

- b. Whenever management/supervision become aware of a new or previously unrecognized hazard, either independently or by receipt of information from an employee.

- c. Whenever it is appropriate to conduct an unannounced inspection.

F. CORRECTION OF HAZARDS.

When a hazard exists it is corrected on a timely basis based on the severity of the hazard. If imminent danger exists to any employees, management and supervision remove these employees from the danger at once, and personnel who are provided with the necessary safeguards correct the hazard.

G. TRAINING.

1. Orientation - New Employees – The Administrative Manager or designee conducts the initial orientation on general safety within the first two days the new employee is on the job. All employees are provided with a copy of the IIPP.

2. Initial On-The-Job Training – When an employee first starts to work, a manager/supervisor trains the employee in all aspects of safety for the purpose of educating the new employee on the hazards of the work environment and the required safety procedures to mitigate those hazards.

The manager/supervisor conducts this training and documents it by using the New Employee Training Checklist. The manager/supervisor and the employee sign the Checklist when the training is completed. The Checklist then becomes a permanent part of the employee's personnel file.

All new hires are given a copy of the organization's Injury & Illness Prevention Program and those rules and regulations (Code of Safe Practices)

applying their work environment. The New Employee Training Checklist is filled out during the employee's initial on-the-job training.

3. Specific Organization-Wide Training

a. Emergency Action Plan – This training includes what the employee is to do under specific circumstances, such as fire, earthquake, medical emergency and bomb threat.

b. First Aid, CPR and Bloodborne Pathogen Training

Designated employees receive first aid, CPR and bloodborne pathogen training in accordance with the American Red Cross and/or American Heart Association requirements.

c. Defensive Driver Training – All employees who may drive on organization business receive defensive driver training not less than every three years. Driving on organization business includes driving organization vehicles as well as personal vehicles.

d. Ergonomics – All employees receive ergonomic training for their specific jobs. At minimum, each employee receives training on proper lifting techniques and, if necessary, computer workstation design.

4. Retraining – Reasons for retraining include change of job assignment, change of operations or materials, observation of poor work habits, or update of training methods. Managers and supervisors perform retraining:

a. When an existing employee changes job functions.

b. On at least an annual basis as a refresher program.

Such training includes general workplace safety, job-specific hazards and/or hazardous materials, as applicable.

5. Specialized Training

a. Supervisors are trained in their responsibilities for the safety and health of their employees. Such training includes both safety management and technical subjects.

b. Supervisors are trained in the hazards and risks faced by the employees under their immediate direction.

c. Managers, supervisors and the IIPP Administrator:

i. Determine safety-training needs.

- ii. Implement new training programs.
- iii. Evaluate the effectiveness of these programs.
- d. In addition, training is provided whenever:
 - i. New substances, processes, procedures or equipment pose a new hazard and there is a lack of skill or knowledge to deal with the situation.
 - ii. Management, supervision or the IIPP Administrator become aware of a previously unrecognized hazard and there is a lack of skill or knowledge to deal with the hazard.

H. RECORD KEEPING.

In coordination with other CMSD management, the IIPP Administrator is responsible for maintaining all documentation relating to the implementation of the IIPP:

1. For the purpose of displaying a tracking history of occupational safety and health programs and activities, all documents are maintained for a minimum of one year plus the current year, unless otherwise stated.

For example, at the end of each year, the prior year's documents are removed from the files. During the next year, current year documents are maintained along with the just-past year's documents.

2. Specific records are maintained for each of the topics within the IIPP to include, but not be limited to:

- a. Employee recognition and correction
- b. Safety meetings and other safety communication
- c. Safety suggestions and hazard reporting
- d. Hazard identification and correction
- e. Occupational injury & illness investigations
- f. Training

Section 23.2: REPORTING ON-THE-JOB INJURIES.

A. Employees shall report personal injuries sustained or injuries suffered by other incapacitated employees immediately to their supervisor. The supervisor shall ensure necessary medical treatment is provided and will conduct an investigation of the injury and document such. Documentation shall be reported on a "Supervisor's Accident

Investigation Report” and the injured employee shall complete an “Employee’s Claim for Workers Compensation Benefits”, form DWC-1. The supervisor shall submit the documents to the Personnel Manager within one working day of receipt of the completed DWC-1 form from the employee, as required by law.

B. In the event of life periling injuries, or hospitalization of the employee, the Personnel Manager shall be notified immediately by phone. The Personnel Manager shall review and evaluate the events leading to an on-the-job injury for remedial action.

C. Whenever a supervisor is advised by an employee that a medical condition may be work related in the employee’s opinion, the supervisor shall immediately advise the employee of the right to file a worker’s compensation claim and provide the DWC-1 form to the employee. The Personnel Manager shall investigate all claims for determination of whether the medical condition is work related, as provided under worker’s compensation law.

Section 23.3: HEAT ILLNESS PREVENTION PROGRAM.

A. SYMPTOMS OF HEAT ILLNESS.

1. Fainting (heat syncope) – a worker who is not accustomed to hot environments and who stands still in the heat may faint.

Preventive/Response Measure

Upon lying down in a cool place, the worker should soon recover. By moving around and drinking plenty of water, the worker can prevent further fainting.

2. Heat Cramps – Heat cramps are painful spasms of the muscles that occur among those who sweat profusely in heat, drink large quantities of water, but do not adequately replace the body's salt loss. The drinking of large quantities of water tends to dilute the body's fluids, while the body continues to lose salt. Shortly thereafter, the low salt level in the muscles causes painful cramps. The affected muscles may be part of the arms, legs, or abdomen, but tired muscles (those used in performing the work) are usually the ones most susceptible to cramps.

Preventive/Response Measure

Drink electrolyte solutions such as Gatorade or plenty of water during the day and try eating more fruits such as bananas to help the body hydrate during hot weather.

3. Heat Exhaustion – Heat exhaustion includes several symptoms, which may resemble the early signs of heat stroke. Heat exhaustion is caused by the loss of large amounts of fluid by sweating, sometimes with excessive loss of salt. A worker suffering from heat exhaustion still sweats but experiences

extreme weakness or fatigue, giddiness, nausea, or headache. In more serious cases, the victim may vomit or lose consciousness. The skin is clammy and moist, the complexion is pale or flushed, and the body temperature is normal or only slightly elevated.

Preventive/Response Measure

The employee suffering these symptoms should be moved to a cool location such as shaded area or air-conditioned building. Have the worker lie down with his/her feet slightly elevated. Loosen his/her clothing, apply cool, wet cloths or fan him/her. Have him/her drink water or electrolyte drinks. Try to cool him/her down and have him/her checked by medical personnel. Victims of heat exhaustion should avoid strenuous activity for at least a day, and they should continue to drink water to replace lost body fluids.

4. Heat Stroke – Heat stroke is the most serious of health problems associated with working in hot environments. It occurs when the body's temperature regulatory system fails and sweating becomes inadequate. The body's only effective means of removing excess heat is compromised with little warning to the worker that a crisis stage has been reached.

A heat stroke victim's skin is hot, usually dry, red or spotted. Body temperature is usually 105°F or higher, and the worker is mentally confused, delirious, perhaps in convulsions or unconscious. Unless the worker receives quick and appropriate treatment, death can occur.

Preventive/Response Measure

Any worker with signs or symptoms of heat stroke requires immediate hospitalization. However, first aid should be immediately administered. This includes removing the worker to a cool area, thoroughly soaking the clothing with water, and vigorously fanning the body to increase cooling. Further treatment at a medical facility should be directed to the continuation of the cooling process and the monitoring of complications, which often accompany the heat stroke. Early recognition and treatment of heat stroke are the only means of preventing permanent brain damage or death.

B. RECOGNIZING HEAT ILLNESS RISK FACTORS.

As noted earlier, environmental risk factors for heat illness include air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat sources such as the ground, air movement, workload severity and duration, protective clothing and personal protective equipment worn by employees. Personal risk factors for heat illness include age, degree of acclimatization, general health, water consumption, and use of medications, caffeine, or alcohol, which can affect the body's water retention or other physical response to heat. The following are the responsibilities for every District employee to recognize heat illness risk factors.

1. General Manager or His/Her Designated Representative – Issuing Heat Stroke Alert as indicated in the Heat Illness Index Chart, which is attached to this Employee Handbook hereto as Attachment “C”.

2. Administrative Service Manager – Ensuring employees who are working in hot environments take necessary precautions as outlined in the Heat Conditions Table, which is attached to this Employee Handbook hereto as Attachment “D”, as well as determining what activities can be performed during a danger period.

3. Maintenance Supervisor – Maintenance Supervisor must evaluate work conditions before sending employees to perform outdoor work in hot conditions. Typically, temperature above 90°F, especially with heavy physical work activities, would represent conditions where there is a risk of heat illness. Other factors, such as high humidity or work activities that restrict the body’s ability to cool itself, such as protective clothing, could result in a risk of heat illness at lower temperatures. Maintenance Supervisor must also:

a. Establish a schedule for work and rest periods during hot days.

b. Go over with his/her staff how to recognize signs and symptoms of heat illness and be prepared to give first aid if necessary.

c. Annual training of his/her staff who work in high heat areas.

d. Use the Heat Illness Index Chart to assess the environmental risk of heat illness, based on temperature and relative humidity. Provision of water and shade should be implemented whenever the Heat Index exceeds 90°F.

e. Realize individual employees vary in their tolerance to heat stress conditions.

4. Employees – Employees must attend training on the environmental risk of heat illness and follow the instructions given. They are also responsible for monitoring themselves for signs and symptoms of heat illness as outlined in the Heat Conditions Table. Employees must also:

a. Pace the work, taking adequate rest periods in shade or cooler environment

b. Keep shaded from direct heat where possible by wearing a hat and applying sunscreen.

c. Drink plenty of water. In hot environments the body requires more water than it takes to satisfy thirst. Drink before you are thirsty.

Electrolyte drinks are encouraged but not necessary, plain water works well.

C. ACCLIMATIZATION.

Employees need time for their bodies to adjust to working in the heat. This “acclimatization” is particularly important for employees returning to work after a prolonged absence, recent illness, moving from a cool to a hot climate, or working during the beginning stages of a heat wave. For heavy work under extremely hot conditions, a period of four to ten days of progressively increasing work time, starting with about two hours work per day is required under this program. For less severe conditions at least the first two to three days of work in the heat must be limited to two to four hours. The Maintenance Supervisor will monitor his/her staff closely for signs and symptoms of heat illness, particularly when they have not been working in the heat for the last few days or when a heat wave occurs.

D. WATER.

Clean, fresh, and cool potable water shall be readily available to employees. Whenever environmental risk factors for heat illness exist, drinking water will be provided in sufficient quantities to provide one quart per employee per hour for the entire shift (at least two gallons per employee for an eight-hour shift). The Maintenance Supervisor is responsible to ensure that his/her staff has an adequate supply of drinking water. Employees are encouraged to drink water frequently.

E. SHADE.

A shaded area will be provided that employees may use when they are suffering from heat illness or believe they need a recovery period to prevent heat illness. The shaded area shall be open to the air or ventilated and cooled and access shall be permitted at all times. Canopies, umbrellas or other temporary structures may be used to provide shade, provided they block direct sunlight. The Maintenance Supervisor is responsible to ensure that his/her staff has access to a shaded area.

F. RESPONDING TO HEAT ILLNESS.

The following procedures must be followed if the supervisor recognizes signs or symptoms of heat illness in his/her staff or an employee recognizes symptoms in himself/herself:

1. Move to a shaded area or air-conditioned building for a recovery period of at least five minutes.
2. Drink plenty of water.
3. If the condition appears to be severe or the employee does not recover, then emergency medical care is needed. Emergency medical care shall be provided by the following method:

4. Thoroughly soaking the clothing with water, and vigorously fanning the body to increase cooling.

5. Call 911. Be ready to provide emergency response personnel with directions to work location

6. If necessary, transport employee to one of the following facilities to receive immediate medical care:

- a. Costa Mesa Fire Department, Station 1, 2803 Royal Palm Drive
- b. Costa Mesa Fire Department, Station 2, 800 Baker Street
- c. Costa Mesa Fire Department, Station 3, 1865 Park Avenue
- d. Costa Mesa Fire Department, Station 4, 2300 Placentia Avenue
- e. Costa Mesa Fire Department, Station 5, 2450 Vanguard Way
- f. Costa Mesa Fire Department, Station 6, 3350 Sakioka Drive
- g. Hoag Hospital, One Hoag Drive, Newport Beach

Regardless of the employee's protest, no employee with any of the symptoms of possible serious heat illness noted in this program should be sent home or left unattended without medical assessment and authorization.

G. TRAINING.

All employees who may work outdoors in conditions where there are environmental risk factors for heat illness shall be provided training on the proper measures to protect themselves and their colleagues. The training will include the following information:

- 1. Why it is important to prevent heat illness;
- 2. Procedures for acclimatization;
- 3. The need to drink water frequently;
- 4. The need to take breaks out of the heat;
- 5. How to recognize symptoms of heat illness;

6. How to contact emergency services and how to effectively report the work location to 911; and

7. The importance of choosing water instead of soda or other caffeinated beverages, and avoiding alcoholic beverages altogether during high heat.

Section 23.4: EMPLOYEE ASSISTANCE PROGRAM.

A. POLICY

This policy establishes a confidential Employee Assistance Program (EAP) for District employees and their immediate families through Employee Support Systems Company (ESSCO). All District employees are valuable members of the District team of professionals serving the community. Sometimes problems arise which may be difficult for employees to solve alone. The EAP is designed to assist the employee and family members in resolving problems affecting physical and emotional well-being and job performance. It is a completely confidential employee benefit. The District provides for and fully funds this confidential benefit for all employees and their immediate families as it provides the following services:

1. Private and confidential assessment and referral counseling.
2. 24-hour, 7-days-per-week emergency telephone counseling.
3. EAP consultation with licensed or certified counselors.
4. Appointments outside of work hours.
5. Coverage extends to family members and significant others.
6. No charge to the employee or family member for the EAP counseling.
7. Bilingual counseling in Spanish. Arrangements for other languages can be made in advance of the scheduled appointment. Counselors in several other languages are readily available.
8. Referrals to community social services and self-help groups.
9. Referrals to licensed outpatient and inpatient treatment facilities often at contracted, reduced rates.
10. Follow-up and case management on all persons using the EAP.
11. Group debriefing when a traumatic incident occurs.
12. Coordination with other employee benefit plans provided by your employer.

- B. Employees are encouraged to use this benefit as needed by calling ESSCO at 1-800-221-0945 or its successor.

RULE 24 – TRAVEL AND PER DIEM

Section 24.1: TRAVEL REIMBURSEMENT.

A. SCOPE.

It is the intent of the District to reimburse District personnel for all reasonable expenses incurred whenever they are required to travel on business for the District. "Business for the District" shall include expenses incurred in connection with approved official representation of the District from which the District will derive a specific benefit such as: attendance at training, seminars, symposia, conferences, hearings, conventions or other meetings.

B. TRAVEL AUTHORIZATION.

When it is necessary for District staff to attend meetings or training away from the District or to travel outside the District to conduct District business, various modes of transportation, lodging accommodations and meal alternatives are available. The associated costs vary considerably. In an effort to control costs and to compensate personnel for reasonable expenses, the following policy shall be adhered to for all District travel:

1. All travel requests shall be submitted with the annual budget requests.
2. District staff may not attend out-of-state conferences unless approved by the Board of Directors.
3. District staff may attend in-state conferences. The General Manager must approve all travel, provided sufficient monies have been previously budgeted.
4. The General Manager may authorize the attendance of additional District personnel if deemed appropriate and travel funds are available.
5. Arrangements must be made sufficiently in advance to take advantage of available discounts for registration, air fair and lodging.

C. TRANSPORTATION.

1. For travel outside the Southern California area, employees are expected to travel by air. If traveling by private vehicle, departure and arrival times shall be based on air travel time. Departure shall not be earlier than that which would allow the District personnel to arrive within a

reasonable amount of time to attend the first scheduled event of the conference, seminar, etc.; in turn, the same reasonable time period shall apply to departure from the event when returning and shall allow District personnel to return at the earliest reasonable time possible. Reasonable amount of time shall be determined in one-half day increments, subject to General Manager or Personnel Manager approval, i.e.:

- If the conference begins at 9:00 a.m., Tuesday in San Francisco, the employee may leave Costa Mesa Monday evening after the work day.

- If the conference begins at Noon Tuesday in San Francisco, the District personnel may depart from Costa Mesa (or home) early Tuesday morning.

- If the first scheduled event begins at 5:00 p.m. on Tuesday in San Francisco, District personnel may depart from Costa Mesa late Tuesday morning or early Tuesday afternoon.

2. Departures and subsequent arrival practices will be contingent upon flight schedules and fare discounts.

3. If District personnel wish to deviate from the reasonable arrival or departure time period for personal reasons or if alternative transportation is involved, any excess time (that which is above the time required to fly) shall be charged as vacation leave time and will require General Manager approval in advance. This practice shall apply to District personnel driving personal vehicles. Permission to drive shall not be construed to mean "on District time". Any additional expenses, including meal and lodging costs, resulting from excess travel time will be at the individual's own expense.

4. Use of a private car (if authorized in advance) will be reimbursed at approved rates in effect at the time of travel. A copy of the employee's proof of automobile insurance must remain on file with the Personnel Manager. In cases where more than one person is attending the same event, they will be strongly encouraged to travel together and mileage reimbursement would be for one vehicle only. In instances where this is not possible, advance approval by the Personnel Manager will be necessary. Mileage reimbursement will be based on actual miles driven, from the District office. The maximum paid for transportation to areas outside Southern California shall not exceed the equivalent cost of "coach fare" airline transportation plus the cost of other necessary ground transportation at the destination.

5. Payment for travel reservations should be made far enough in advance (generally 14 to 21 days) to take advantage of discounts. Staff is required to make their own travel arrangements, but are encouraged to use the local travel agencies or the internet (depending upon which is least expensive) to make travel arrangements.

D. CAR RENTALS.

When traveling, the use of rental cars is discouraged. Airport shuttle service, buses, or taxis should be utilized between airports and hotels or meeting locations if within 30 miles. Staff should check availability and cost, and make their own car rental arrangements. When renting a car, insurance and other extras should not be requested. Before returning the car, the District personnel are to make sure the car is returned with the same amount of gas as when rented, usually a full tank. The District personnel may then claim reimbursement for the gas with the proper receipt.

E. LODGING.

1. Receipts for lodging must be submitted to obtain reimbursement. Lodging reimbursement may be requested when traveling outside of Orange County or when attendance at events is for two or more consecutive days. Lodging reimbursement for the night prior to the beginning of an event may be allowed only if time and/or travel schedules prohibit travel at reasonable hours on the first day of a conference. Generally, reimbursement would be allowed if the event begins before 9:00 a.m. (and is outside of Orange County) or is out of the state. Note: No lodging decisions should be made based on where an employee's residence is located (i.e. an employee who commutes 50 miles to work each day should be held to the same standard for lodging purposes that would be applied to an individual who commutes five miles to work). No lodging reimbursement will be allowed for the night following the event, except under circumstances beyond the control of the District personnel (i.e. flight canceled).

2. Lodging reimbursement will not be approved for travel within Orange County regardless of the length of the event. Note: This applies to all events attended by any District Official or District Staff, since it is inappropriate to use District funds for unnecessary and frivolous purposes. An exception will be made if on site lodging is a requirement of the event and it is approved in advance by the Board of Directors, or if the event is structured to go later into the evening than a normal conference (typically past 8:00 p.m.).

3. Lodging shall be obtained at the most economical rate available for good quality. Lavish or oversized accommodations are not justified. Conference headquarters hotels are encouraged, when not unnecessarily expensive. Reservations made through the convention and/or housing bureaus (usually offered through conference literature) are encouraged. If the convention or housing bureaus are not used, and if more than one place of lodging is available, the prevailing rate for a single occupancy room will be allowed. In the absence of group or special rates, District personnel should request a "government rate" discount.

4. Advance payment may be made by check requisition or the District's credit card. Check requisition forms may request the check being mailed to the lodging provider. For all travel advances paid either directly to the individual or a third-party, a supporting schedule detailing the type of expenditures being advanced must be attached to the check requisition. This will allow the Accounting Department to determine if the expenditures requested for advance are eligible for reimbursement prior to those costs being incurred. Receipts are to be kept and attached to the employee's travel form and submitted to Accounting immediately after the conclusion of the event.

F. MEALS.

1. The meal allowance is \$65.00 per day including taxes and tips. All meal reimbursements will be completed after an itemized receipt is submitted to Accounting. In instances where District personnel will be purchasing less than a full day of meals (i.e., less than three meals per day), the per diem, including tip, will be on a per meal basis as follows:

breakfast	\$13.00
lunch	\$17.00
dinner	\$35.00

Reimbursement for an evening meal on the night prior to the beginning of an event may be allowed if the event begins at 9:00 a.m. or earlier the following day and the amount of time required to travel to the location does not provide for dinner at a regular hour. Per diem may not be claimed for meals which are already included in the conference registration fee. Any claiming of per diem for meals that have been provided or paid for by other parties shall be considered inappropriate and subject to disciplinary action.

2. The per diem meal breakdown summarized above will be adhered to in all instances, examples are as follows:

a. If breakfast and lunch are included with a conference an individual may claim a maximum of \$35.00 for dinner – not the \$65.00 daily allowance.

b. An employee will not be reimbursed per diem amounts if alternate meals are purchased when meals have been included with the conference (i.e. an employee decides to skip the lunch banquet and eat at a nearby restaurant - an individual may elect to eat elsewhere, but at the employee's expense).

c. All receipts must be kept and submitted when seeking reimbursement for meals purchased for individuals other than the

claimant and shall indicate the date, participating parties and purpose of the meeting.

d. The employee, who picks up the check for a group of employees, will not be reimbursed for more than a single per diem.

3. The following are examples of how per diem may be claimed:

a. Per diem for breakfast may be claimed if District personnel are in travel status prior to 7:00 a.m. and breakfast is not provided;

b. Per diem for lunch may be claimed if District personnel are attending an out-of-town conference through the lunch hour, and lunch is not provided.

c. Commuter courses (i.e. travel within Orange County) meals will be reimbursed to a maximum of \$8.00 for each employee.

d. Per diem for dinner may be claimed if District personnel are required to stay overnight, and dinner is not provided.

G. UNAUTHORIZED EXPENSES.

1. Items of a personal nature are not reimbursable including: alcoholic beverages, movies, entertainment, premium television services, snacks, dry-cleaning, spas, gyms, barber, magazines, shoeshine, travel insurance, supplemental insurance on rental cars, toiletries, loss of tickets, fines or traffic violations, excess baggage, lecture tapes or books, the incremental cost for spouse or guest accommodations or other items of a personal nature. Business calls to the District work sites will be reimbursed in full. Telephone, FAX and e-mail charges will be allowed for official calls, including Internet access.

2. If unauthorized expenses have been paid by the District (i.e., via District credit card or petty cash), the individual will be responsible for immediate reimbursement to the District by personal check (or a payroll deduction if necessary).

H. OUT OF POCKET COSTS.

All conference and meeting attendance must be authorized by the General Manager. Requests should be made far enough in advance to take advantage of all available discounts and to take into consideration normal processing requirements. A Check Requisition form made out to the sponsor with the proper supporting registration forms should be forwarded to Accounting for payment and mailing. Registration must be included on a regular warrant register and will not be processed on a "pre-issued manual" basis. If registration is paid upon arrival at said conference by the District personnel, an original receipt must be submitted for reimbursement and in some

instances a copy of the employee's cancelled check may be requested to support the amount claimed.

I. REIMBURSEMENT AND ADVANCE PAYMENT PROCEDURES.

1. The Monthly Mileage & Expenses Report form is used to request reimbursement for one day commuter activities such as: seminars, professional association lunch meetings, mileage, etc. Mileage amounts are reimbursed on an actual miles traveled basis, while other expenditures (i.e. the cost of a lunch meeting) are reimbursed on an actual out-of-pocket basis. Monthly Mileage & Expense Report must be submitted within 10 days after the end of the month, with all original receipts attached.

2. It is the policy of the District that the standard forms provided by the District be used to document travel and business expenses and in support of request for reimbursement. All expenses must be listed on a single form. Original receipts (not photo copies) are required and must be submitted with all expense reports. It is the responsibility of the individual incurring the expense to see that documentation for business and travel expenses is complete and submitted in a timely and accurate manner.

3. Persons with delinquent expense reports (a report not filed within 10 days of the trip return date) will not be allowed to obtain a future travel advance until their delinquent expense reports are filed.

J. EXCEPTIONS.

It is the District's desire to generally adhere to these policies. Nevertheless, there may be occasions when District personnel are unable to comply with them. It is the responsibility of the individual to prepare a written, signed statement as to why an exception/s should be approved. The District is under no obligation to provide reimbursement without original receipts. The General Manager or designee may Approve of exceptions to these policies. There may also be instances where the General Manager determines it to be in the best interest of the District, primarily due to budgetary constraints to limit the amount of meal per diem or require the sharing of lodging accommodations at conferences. In these situations the individual cannot be required to attend.

Section 24.2: EXPENSE REIMBURSEMENT.

A. Employees will be reimbursed for their out-of-pocket expenses incurred while conducting official District business. District employees who use their private vehicle while conducting District business will be reimbursed at the rate described in CMSD Operations Code section 3.01.030. All other expenses not related to conferences, meetings and/or use of a private vehicle will be reimbursed by means of the petty cash fund. Original receipts are required for all expenses including meals.

B. An employee must sign his/her expense claim and obtain General Manager approval to be reimbursed for expenses. All claims for expenses must be submitted within 10 days after the end of the calendar month in which expenses were incurred. Expenses totaling \$100.00 or less shall be reimbursed from the District petty cash fund. Expenditures totaling more than \$100.00 shall be reimbursed by means of a District warrant.

RULE 25 – EQUAL EMPLOYMENT OPPORTUNITY

Section 25.1: GENERAL POLICY. It is the policy of the District to provide equal employment opportunity to all persons.

All District recruitment, hiring, training, promoting and transferring shall be done without regard to race, color, religion, national origin, sex, marital status, political affiliation, age, or physical or mental disabilities not constituting bona fide occupational qualifications. All personnel policies, procedures and practices shall be administered accordingly.

The District recognizes its moral and legal responsibility to provide equal employment opportunity, to take affirmative and direct action at all levels of special district government regarding job classifications, salaries, training, fringe benefits, and other personnel policies, and to improve employment and career opportunities for minority group persons and women according to affirmative action principles.

The General Manager is responsible for implementation of all equal employment opportunities and affirmative action programs adopted by the District. Supervisors are required to assure that equal employment opportunity concepts are supported by their organizations. Employee organizations must support and comply with adopted programs and the Personnel Manager shall maintain appropriate records and prepare status reports on implementation.

RULE 26 - SERVICE AWARDS

Section 26.1: Purpose. The purpose of Service Awards is to recognize employees for their services to the District and the Community. Service awards shall be presented to employees in the classified service for five years of service and at each five year interval thereafter.

For purposes of this Rule, the term "years of service" as applied to employees in the classified service shall be defined as the accumulated total of all periods of full-time service, excepting therefrom any periods of leave of absence at no pay exceeding 30 calendar days.

The provisions of this Rule shall apply also to the District's Board of Directors.